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federal register

Friday
April 15, 1983

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Federal Grain Inspection Service

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Animal and Plant Health Inspection Service

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5048 of April 14, 1983

Modification of Proclamation No. 4991 Regarding Suspension of the Application of TSUS Column 1 Rates of Duty to Products of Poland

By the President of the United States of America

A Proclamation

By Proclamation No. 4991 of October 27, 1982, the President suspended the application of the rates of duty provided for in column 1 of the Tariff Schedules of the United States (TSUS) to products of Poland. Proclamation No. 4991 is effective with respect to articles exported on and after November 1, 1982.

Taking into account the factors cited in Proclamation No. 4991 and in order to alleviate unnecessary hardships to United States companies that entered into contracts before the decision to suspend most-favored-nation treatment for products of Poland was announced, I find it appropriate to amend Proclamation No. 4991 to permit articles that are exported to a consignee in the United States before June 30, 1983, pursuant to written and binding contracts to purchase executed on or before October 9, 1982, to enter at the column 1 rate of duty.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States including, but not limited to, the Trade Expansion Act of 1962, and the Trade Act of 1974, as amended, do proclaim that paragraph 3 of Proclamation No. 4991 of October 27, 1982, is hereby amended to read as follows:

"(3) This Proclamation shall take effect with respect to articles exported on and after November 1, 1982, other than articles exported prior to June 30, 1983, to a consignee in the United States pursuant to a written and binding contract to purchase which was executed on or before October 9, 1982, provided that a copy of such contract is presented to the United States Customs Service on or before May 31, 1983 and the importer or consignee in the United States certifies that the articles are exported pursuant to that contract."

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10311
Filed 4-14-83; 11:52 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5049 of April 14, 1983

American Indian Day, 1983

By the President of the United States of America

A Proclamation

The story of the Indian in America is a record of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, its strength and spirit, its sense of history, and its sense of purpose.

When European settlers began to develop colonies in North America, they entered into treaties with sovereign Indian nations. Our new Nation continued to enter into treaties with Indian tribes on a government-to-government basis. Throughout our history, despite periods of conflict and shifting national policies in Indian affairs, the government-to-government relationship between the United States and Indian tribes has endured. The Constitution, treaties, laws, and court decisions have consistently recognized a unique political relationship between Indian tribes and the United States.

In 1970, President Nixon announced a national policy of self-determination for Indian tribes. At the heart of the new policy was a commitment by the Federal government to foster and encourage tribal self-government.

As set forth in the message on Indian policy of January 24, 1983, this Administration honors the commitment made in 1970 to strengthen tribal governments and lessen Federal control over tribal government affairs. To further the principle of self-government, we will encourage the political and economic development of the tribes by eliminating excessive Federal regulation and government intervention, which in the past have stifled local decision-making, thwarted Indian control of Indian resources, and promoted dependence rather than self-sufficiency.

In promoting effective self-government and a more favorable environment for the development of healthy reservation economies, we will take a flexible approach which recognizes the diversity among tribes and the right of each tribe to set its own priorities and goals. The tribes, not the Federal government, will chart the path of their own development. In support of this policy, the Federal government will faithfully fulfill its responsibility for the physical and financial resources it holds in trust for the tribes and their members.

In recognition of the unique status and contribution of the American Indian peoples to our Nation, the Congress of the United States, by House Joint Resolution 459 (P.L. 97–445), has authorized and requested the President to issue a proclamation designating May 13, 1983 as "American Indian Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 13, 1983 as American Indian Day. I invite

the people of the United States to observe this day with appropriate ceremonies and deeds and to reaffirm their dedication to the ideals which our first Americans subscribe.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10312
Filed 4-14-83; 11:53 am]
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 330

Recruitment, Selection, and Placement (General)

AGENCY: Office of Personnel Management.

ACTION: Interim rulemaking, with comments requested.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to provide for placement assistance for persons previously employed as National Guard Technicians who are eligible and applying for or receiving an annuity by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment. This action is necessary to implement a portion of the Omnibus Budget Reconciliation Act of 1982.

DATES: Effective: April 15, 1983. Comments must be received on or before June 14, 1983.

ADDRESS: Written comments may be sent to Richard B. Post, Associate Director, Staffing Group, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, or delivered to Room 6F08, 1900 E Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: Section 302(a) of Pub. L. 97-253, the Omnibus Budget Reconciliation Act of 1982, which will be codified as 5 U.S.C. 8337(h), provides: (1) That a National Guard Technician who is required as a condition of employment to be a member of the National Guard or to hold a certain military grade may be eligible for disability retirement based on a disability that disqualifies the individual from membership in the National Guard or from holding the required military grade; and (2) that any individual applying for or receiving an annuity under this provision "shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if—(A) the position is located within the commuting area of the individual's former position; (B) the individual is qualified to serve in such position as determined by the head of the agency; and (C) the position is at the same grade or equivalent level as the position from which the individual was separated." The law further stipulates that a National Guard Technician may retire under 5 U.S.C. 8337(h), and receive placement consideration consistent with Section 302(a) provisions, only if he/she has *not* been found to be disabled under 8337(a) of 5 U.S.C.

On October 1 1982, at 47 FR 43634, OPM published an interim regulation with a 60-day comment period establishing a new Schedule A appointing authority in the excepted service covering positions filled by National Guard Technicians who are eligible for or receiving an annuity based on a disability that disqualifies them from National Guard membership or from holding a military grade required by their technician employment. Since National Guard Technicians are appointed under 32 U.S.C. 709(a), which confers no status or eligibility for movement to other positions, a special appointing authority was needed to permit their placement in other agencies. Schedule A appointing authority, under which agencies determine qualifications for their positions, was appropriate in view of the language of the Reconciliation Act.

OPM has now determined that it would be beneficial to the proper adminstration of this provision of the Reconciliation Act to also issue regulations specifying the nature of the placement assistance to be provided to National Guard Technicians. OPM has further determined that the intent of this provision of the Act, i.e., controlling retirement outlays by providing realistic opportunities for alternative civilian employment in lieu of disability retirement, can be satisfied by providing National Guard Technicians with priority consideration, without time limit, for any vacant position in the competitive service that agencies plan to fill through an external hire and to any vacant position in the excepted service for which agencies request recruiting assistance. Implementation of this regulation would not, therefore, interfere with an agency's authority to fill vacant positions through internal selections.

OPM did consider the option of requiring agencies to inform the Office of all vacancies, in both the competitive and excepted service, and prohibiting promotions, reassignments, and outside hires to any vacancies for which qualified disabled National Guard Technicians were available. This option had, however, two major drawbacks which suggested that it would not be consistent with congressional intent: (1) It would have created an inequity by granting excepted National Guard Technicians who become eligible for disability retirement greater benefits than are available to other Federal employees in the competitive service who become eligible for disability retirement. (Competitive service employees are eligible only for referral to vacancies which agencies plan to fill by external hiring.) (2) In cases where agencies are freezing outside hiring in efforts to avoid reductions in force, absolute priority would not result in placement of disabled National Guard Technicians. It would merely limit the agencies' flexibility in assigning employees so as to accomplish necessary work with reduced staff. We believe that the number of additional placements which might result from wider referrals would be insufficient to offset the loss of productivity and efficiency in those agencies which cannot take on additional employees and that such an approach exceeds the intent of the Reconciliation Act.

The Director finds that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective immediately because it is needed to implement 5 U.S.C. 8337(h), which became effective on October 1, 1982.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains solely to conditions for appointment of certain employees by Federal agencies.

Lists of Subjects in 5 CFR Part 330

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 330 by adding Subpart H to read as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Subpart H—Placement Assistance for National Guard Technicians Who Become Entitled to a Disability Annuity

Sec.

330.801 Coverage.
330.802 OPM assistance.
330.803 Priority referral.
330.804 Department of Defense responsibility for placement assistance.
330.805 Duration of eligibility for assistance.

Authority: 5 U.S.C. 3301, 3302, 8337(L).

Subpart H—Placement Assistance for National Guard Technicians Who Become Entitled to a Disability Annuity

§ 330.801 Coverage.

This subpart applies to current or former National Guard Technicians who—

(a) Are or were separated from such positions on or after December 31, 1979, because of a medical disability that disqualified them from membership in the National Guard or from holding the military grade required for such employment;

(b) Have not been found by OPM to be disabled under subchapter III of chapter 83 of title 5, United States Code, section 8337(a);

(c) Have applied for or are receiving an annuity under the provisions of subchapter III of chapter 83 of title 5, United States Code, section 8337(h); and,

(d) Are not eligible for assistance under Subpart C of this part.

§ 330.802 OPM assistance.

An employee covered by this subpart is subject to mandatory enrollment in OPM's placement assistance program. Such an employee shall receive priority consideration for vacant positions in the Federal Government in accordance with procedures described through the Federal Personnel Manual system.

§ 330.803 Priority referral.

(a) An employee covered by this subpart shall be referred, both by OPM and agencies with delegated examining authority, and considered by any agency of the Government for any vacant position at GS–15 and below or the equivalent whenever—

(1) An agency plans to seek or is seeking the names of qualified candidates from a register or registers of competitive eligibles maintained by OPM or agencies with delegated examining authority;

(2) The position is expected to last more than one year;

(3) The position is located within the commuting area of the employee's former National Guard Technician position;

(4) The position is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated; and,

(5) The employee is qualified for the vacant position as determined by the head of the agency or his/her designee.

In addition, OPM and agencies with delegated examining authority will refer the names of employees covered by this subpart whenever an agency requests recruiting assistance for positions in the excepted service.

(b) When an agency selects an individual referred under this subpart, it will generally employ him or her under authority of Part 213, Subpart C, § 213.3102(j) of the excepted service or other appropriate excepted service appointing authorities.

§ 330.804 Department of Defense responsibility for placement assistance.

(a) The Department of Defense shall, as the Government agency employing National Guard Technicians and in accordance with its own personnel management policies and practices, ensure that employees covered by this subpart receive appropriate consideration for vacant positions within the military departments and defense agencies for which the head of that department or agency, or his/her designee, determines that the individual is qualified, which is in the same commuting area and which is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated.

(b) The Department of Defense will be notified by OPM whenever a National Guard Technician who was separated on or after December 31, 1979, and before October 1, 1982, from such a position because of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment has filed a timely application for disability annuity under 5 U.S.C. 8337(h). The department shall, in turn take steps to provide appropriate internal placement consideration to such individuals beginning on the day following the date that such notification from OPM has been received by the department. Further, the department or its appropriate component will be responsible for enrolling such individuals into OPM's placement assistance program as soon as is reasonably possible, with the expectation that, in most cases, enrollment can be made within 30 calendar days following the date that the department has been notified by OPM that a timely application for a disability annuity under 5 U.S.C. 8337(h) has been filed by the former National Guard Technician.

(c) For National Guard Technicians who are separated on or after October 1, 1982, because of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment, internal Department of Defense placement consideration shall begin as soon as the determination has been made by the department or its appropriate component that the technician is no longer qualified for membership in the National Guard and shall continue after the date of actual separation from the National Guard Technician position in accordance with paragraph (a) of this section. The Department of Defense or its appropriate component will also be responsible for enrolling such individuals into OPM's placement assistance program as soon as is reasonably possible, with the exception that, in most cases, enrollment can be made within 15 calendar days following the actual date of separation from the National Guard Technician position.

§ 330.805 Duration of eligibility for assistance.

(a) An employee covered by this subpart is eligible for OPM placement assistance without time limit. Eligibility will, however, be terminated upon—

(1) His/her reemployment by a Federal department or agency in a nontemporary position;

(2) His/her declination of any position in the Government for which he/she has been found qualified by the head of the agency or his/her designee, and which is at the same grade or equivalent level, in the same commuting area and with at least the same tenure and work

schedule as the former National Guard Technician position;

(3) His/her restoration to earning capacity as determined by OPM pursuant to the terms of section 8337 of title 5, United States Code; or,

(4) Any other circumstance which terminates his/her eligibility for an annuity under section 8337(h)(1) of title 5, United States Code.

(b) When an agency appoints a former National Guard Technician who has applied for or is receiving an annuity under section 8337(h) of title 5, United States Code, *or* when an agency makes an offer of a position which conforms to the requirements of paragraph (a)(2) of this section and the offer is declined, the agency shall notify OPM of such an appointment or declination in accordance with instructions published through the Federal Personnel Manual system. This notification shall include the date of the appointment or declination and, if an appointment, the title, pay plan, series, grade, and rate of pay of the position.

[FR Doc. 83-9968 Filed 4-14-83; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations call for the simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. The regulations will permit an assessment of the impact of benefit and rate proposals on both the Government and enrollees in a more timely and orderly fashion than is possible with the present FEHB contract negotiation cycle.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202-254-9574.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Office of Personnel Management published proposed rules in the **Federal Register** (48 FR 7460-7461, 48 FR 7478-7479) with a request for comments from interested parties before publication as final regulations. Respondents included 29 of the 132 carriers participating in the FEHB Program, one non-participating carrier, two Federal agencies, and one individual in the private sector. The responses were generally in favor of the simultaneous submission of benefit and rate proposals, but were mixed with regard to the due date of May 31. The comments focused on two primary concerns:

OPM's Discretion To Request Benefit and Rate Proposals

Several commentors felt that the Director of OPM should not be given discretion to request rate proposals because the Director's decision not to request rate proposals in a particular year could require rates that are too low or too high for the benefits, given fluctuations in inflation, utilization, and insured populations. Such concerns are unnecessary: The FEHB statute itself requires that rates "reasonably and equitably reflect the cost of the benefits provided." Any use of the discretion provided by these regulations will necessarily require preservation of the relationship between rates and benefits. Some community rated plans expressed concern that, since they meet their expenses through uniformly and equally applied community rates, the integrity of community rating could not be maintained if a plan were prevented from applying a necessary rate increase to the Federal group. Again, we would reassure the carriers that the statutory mandate that rates reflect the cost of the benefits provided will govern any use of OPM's discretion.

Date of Final Rate Submission

Carriers stated that the final rate submission date should not be moved forward from July 31 to May 31. They argue that under existing regulations carriers base rate estimates, in part, on paid claims and utilization experience from the beginning of the most recent contract year through June. Final rate proposals have been due July 31 and five or six months of experience were available to draw on for the rate estimates. Under the new regulations, approximately four months' experience (January through April) for the current contract year will be available prior to the May 31 filing date. This paid claims experience, however, would be based in part on claims for services that were incurred the previous year. Therefore, the data submitted from the previous contract year may not be representative of current utilization since it would not fully reflect the most current benefits and most recent open season enrollment changes. Due to this limited current experience, the carriers have suggested that they will be forced to build an additional margin into the proposed rates to account for unexpected increases in claims. This margin, according to the carriers, would result in higher premiums.

As we have already observed, there is a statutory relationship between premium levels and the cost of benefits provided. OPM will work within the statutory scheme. Our regulations are merely intended to enhance the fiscal integrity of the Program by providing sufficient time to analyze benefit and rate proposals to ensure that rates are adequate and acceptable to employees and the Government.

While we recognize that the claims and utilization experience cutoff date will occur two months earlier than it did under the previous regulations, the proposed rates will still be negotiated by OPM and the carrier, and the established premium rate will require OPM's consideration and final approval, as has been the procedure in the past. OPM will, as in the past, carefully evaluate proposals to ensure that the rates established are reasonable and equitable for the benefits offered, given inflation and utilization experience.

Miscellaneous Issues

One carrier recommended that an extension of the May 31 date for submission of benefit and rate proposals be applicable to all plans. It is not the intention of the regulations to extend the May 31 deadline for benefit and rate proposals on a plan-by-plan basis. In the event that the Director determines an extension for submission is in the interest of the Program, the extension would apply to all participating plans.

A concern expressed by one community rated carrier is that the change in date of submission of final rate proposals to May 31 will affect its other lines of business. Community rated plans gear some of their other contract negotiations to the FEHB Program negotiation process. Carriers that do so generally establish their per capita hospital and physician fees prior to FEHB Program negotiations and use the information in establishing their proposed rates for the FEHBP. Under the new regulations, some carriers will not have completed their negotiations with hospitals and doctors prior to May 31, so that their per capita hospital and physician fees will not be finally established. OPM recognizes that there may be conflicts experienced by some community rated carriers during this initial year of adjustment, and will take this into account in its 1984 negotiations.

One carrier commented that the term "comprehensive medical plans" was omitted from the Title 41 regulations and believed this omission results in a conflict with the regulatory provisions

that currently admit only comprehensive medical plans into the Program. Since statutory provisions govern the types of plans which will be accepted into the FEHB Program at any given time, we do not agree that a conflict exists. Furthermore, omission of the term "comprehensive medical plans" from the regulations provides flexibility to OPM in the event the Program is opened to other types of plans through future legislation.

One carrier offered that issuance of the regulations would have a significant economic impact on health maintenance organizations because submission of final rate proposals on May 31 rather than July 31 "would increase the risk of rate decisions that resulted in adverse financial consequences." This assertion assumes rates submitted will be inaccurate because they are submitted earlier. While it is true that there will be less experience at the time the rates are proposed, OPM will make its evaluations and will negotiate based on all information available at the time of its decision. The new regulations begin the process at an earlier date, but they do not conclude it earlier. Consequently, there will be no impact on rates in the long run.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations simply rearrange the timeframe in which health benefit carriers must submit information.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is amending 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. In § 890.203, the last sentence of paragraph (a)(1) is removed and two sentences are inserted in its place:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

(a)(1) * * * Participation of an approved plan becomes effective on the first day of the contract period which is: (i) At least nine months after OPM receives the application, and (ii) at least seven months after OPM receives benefit and rate proposals and all evidence to demonstrate that the plan has met all requirements for approval. At any time, OPM may make a counter-proposal or propose changes on its own motion.

* * * * *

2. In § 890.203, paragraph (b) is revised to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

* * * * *

(b) Changes in rates and benefits for approved health benefits plans shall be considered at the discretion of the Director of OPM. If the Director of OPM determines that it is beneficial to enrollees and the Federal Employees Health Benefits Program to invite health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counter proposal or at any time propose changes on its own motion. Benefits changes and rate proposals, when requested by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period, unless the Director of OPM determines that a later date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later than 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913)

[FR Doc. 83-9966 Filed 4-14-83; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 407]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 17–23, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 17, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 11, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during

the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act.

Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.707 is added as follows:

§ 910.707 Lemon regulation 407.

The quantity of lemons grown in California and Arizona which may be handled during the period April 17, 1983, through April 23, 1983, is established at 280,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10313 Filed 4-14-83; 11:58 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1004, 1007, 1011, and 1046

[Milk Order Nos. 7, 4, 11, and 46; Docket Nos. AO-366-A20, et al.]

Milk in Georgia and Certain Other Marketing Areas; Order Amending Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

7 CFR Part	Marketing area	AO numbers
1007	Georgia	AO-366-A20
1004	Middle Atlantic	AO-160-A60
1011	Tennessee Valley	AO-251-A25
1046	Louisville-Lexington-Evansville	AO-123-A51

SUMMARY: This action adopts on an emergency basis amendments to the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville orders. The order changes will provide handlers with limited transportation credits from the marketwide pool for certain Class II and Class III milk transferred or diverted to unusually distant outlets for surplus disposal. The changes, which will apply only through June 30, 1983, were considered at a public hearing held on March 1, 1983, in Atlanta, Georgia. The order changes were requested by a cooperative association that represents dairy farmers who supply milk to the markets.

The changes are necessary to reflect currrent marketing conditions and to insure that all producers in the affected markets share more equitably in the cost of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. Cooperative associations in each market representing more than two-thirds of the producers have approved the issuance of the amended orders.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447–4829).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 15, 1983; published February 22, 1983 (48 FR 7461).

Emergency Final Decision: Issued March 30, 1983; published April 5, 1983 (48 FR 14604).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective upon publication in the **Federal Register**. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued March 30, 1983 (48 FR 14604). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective upon publication in the **Federal Register** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations

specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within each of the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1004, 1007, 1011, and 1046

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1007—MILK IN THE GEORGIA MARKETING AREA

In § 1007.60, paragraph (g) is revised to read as follows:

§ 1007.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1007.42(b)(3) or § 1007.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Atlanta, Georgia; the city hall in Augusta, Georgia; the transferor plant; or for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

In § 1004.60, paragraph (f) is revised to read as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II milk pursuant to § 1004.42(d) or § 1004.42(e)(3) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 200 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Philadelphia, Pennsylvania; the zero milestone in Washington, D.C.; the city hall in Baltimore, Maryland; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

In § 1011.60, paragraph (g) is revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1011.42(b)(3) or § 1011.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Bristol, Tennessee; the city hall in Knoxville, Tennessee; the city hall in Chattanooga, Tennessee; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

In § 1046.60, paragraph (g) is added to read as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1046.42(b)(3) or § 1046.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 250 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Louisville, Kentucky; the city hall in Lexington, Kentucky; the city hall in Evansville, Indiana; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 15, 1983.

Signed at Washington, D.C., on April 11, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-10001 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 54

[Docket No. 83-032]

Animals Destroyed Because of Scrapie; Interim Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document on an emergency basis amends the regulations authorizing the payment of indemnities for sheep and goats destroyed because of scrapie to provide for indemnity only for animals diagnosed as having scrapie and for certain animals related by blood to animals diagnosed as having scrapie. These amendments are necessary to allow for indemnity only for animals that present a substantial risk of being infected with scrapie in order to utilize scrapie indemnity funds more effectively.

DATES: Effective: April 15, 1983.

Comments should be submitted on or before June 14, 1983.

ADDRESS: Written comments should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Special Diseases Staff, Veterinary Services, APHIS, USDA, Room 824, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8231.

SUPPLEMENTARY INFORMATION:

Background

This document, on an emergency basis, amends the "Animals Destroyed Because of Scrapie" regulations in 9 CFR Part 54 (referred to below as the regulations) which authorize the payment of indemnity for sheep and goats destroyed because of scrapie.

Scrapie is a fatal disease of sheep and goats, affecting the nervous system. It is necessary to destroy certain animals in order to prevent the spread of the disease since there is no treatment for the disease. Also, there is no known diagnostic test for confirming scrapie in the live animal. Microscopic examination of the brain tissue is necessary for confirmation of the disease. Scrapie develops slowly; animals may carry the disease agent for 18 to 42 months before symptoms of the disease appear. When symptoms do appear, they allow a preliminary clinical diagnosis of scrapie. These symptoms include nervousness, slight muscular tremors, lack of luster in the wool, and itching.

Prior to the effective date of this document, the regulations provided for indemnity of sheep and goats determined to be "affected animals" or "exposed animals." Under the regulations an "affected animal" is defined as:

> An animal for which a diagnosis of scrapie has been made by a Veterinary Services representative or State representative.

Previously, the regulations also defined an "exposed animal" as:

> An animal, other than an affected animal, which is either in an infected or source flock, or which has been:
>
> (1) Held, pastured, or penned with an infected flock at any time since the birth or introducton of the affected animal into such flock, or
>
> (2) Held, pastured, or penned with a source flock at any time since the birth or introduction of an affected animal into such flock, or
>
> (3) Female progeny of an affected female animal and her first generation male progeny, or
>
> (4) The dam of an affected animal and the dam's first generation progeny, or
>
> (5) The first generation progeny of an exposed female animal moved from an infected flock or source flock, or
>
> (6) The first generation progeny of an affected male animal.

Further, the regulations previously defined the terms "flocks," "infected flock," and "source flock" as follows:

> *Flock.* A group of animals maintained on common ground, or two or more groups of animals under common ownership or supervision, and geographically separated, but which have an interchange of animals.
>
> *Infected flock.* A flock in which an affected animal has been found by a Veterinary Services representative or a State representative.
>
> *Source Flock.* A flock from which an animal was moved and within 18 months of the date of the movement the animal showed clinical evidence of scrapie, or from which two or more animals were moved and subsequent to the movement the animals showed clinical evidence of scrapie.

Sufficient funds are not available to allow for indemnity of all animals that were designated as "affected animals" and "exposed animals." Under these circumstances, the regulations are amended to restructure the program to provide for indemnity only for "affected animals" and other animals which present a substantial risk of being infected with scrapie.

The main means by which scrapie is spread is from parent to offspring, principally through the dam. An infected female exposes her offspring at birth and immediately after birth. The risk of spread to offspring through an infected male is less, attributable in part to the fact that under customary flock management practices a sire seldom, if ever, has contact with his offspring. While it is possible that scrapie can be transmitted by exposure from animal to animal other than from parent to offspring, that risk is relatively minimal. Consistent with these findings, the regulations are amended to allow for indemnity payments only for "affected animals" and certain bloodline animals.

Based on departmental experience, it has been determined that, in addition to "affected animals," the following bloodline animals are the only animals that present a substantial risk of being infected with scrapie:

(1) The dam of an infected animal and the dam's first generation progeny,

(2) The maternal granddam of an affected animal,

(3) The first generation progeny of an affected animal, and

(4) All succeeding generations of female progeny from female progeny of an affected female animal.

The regulations previously allowed for the payment of indemnity for "affected animals" and for all of these categories of bloodline animals other than the maternal granddam of an affected animal. Accordingly, since it has been determined that the maternal granddam of an affected animal also presents a substantial risk of being infected with scrapie, the regulations are amended to allow for indemnity for the maternal granddam of an affected animal in addition to "affected animals" and the other classes of bloodline animals.

Under the previous program most of the animals for which indemnity was paid presented only a minimal risk of spreading scrapie and were in one of the following four categories:

(1) In an infected or source flock,

(2) Held, pastured, or penned with an infected flock at any time since the birth or introduction of the affected animal into such flock,

(3) Held, pastured, or penned with a source flock at any time since the birth or introduction of an affected animal into such flock, or

(4) The first generation progeny of an exposed female animal moved from an infected flock or source flock.

This document deletes these four categories of exposed animals from the list of animals eligible for indemnity payments. It appears that this will substantially reduce indemnity costs

without significantly reducing the effectiveness of the scrapie eradication program. Further, if the indemnity funds were distributed in accordance with the previous program, the funds would be quickly exhausted with payments mostly for the four categories of exposed animals referred to above which pose only a minimal risk of being infected with scrapie.

This document also amends the regulations by making nonsubstantive changes for purposes of clarity.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publications of this interim rule without prior opportunity for public comment. Immediate action is necessary to allow for indemnity only for animals that present a substantial risk of being infected with scrapie in order to utilize scrapie indemnity funds more effectively.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Regulatory Flexibility Act

The emergency situation discussed above makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in section 604 of the Regulatory Flexibility Act.

List of Subjects in 9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Sheep, Scrapie.

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Under the circumstances referred to above, 9 CFR Part 54 is amended as follows:

§ 54.1 [Amended]

1. Paragraphs (j), (l), (m), and (n) of § 54.1 are removed and the remaining terms are rearranged alphabetically without identifying letters.

2. In § 54.1, a definition of "bloodline animal" is added in alphabetical order to read as follows:

Bloodline animal. The dam of an affected animal and the dam's first generation progeny, the maternal granddam of an affected animal, the first generation progeny of an affected animal, and all succeeding generations of female progeny from female progeny of an affected female animal.

§ 54.3 [Amended]

3. In the first sentence of paragraph (a) of § 54.3, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

§ 54.7 [Amended]

4. In paragraph (a) of § 54.7, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

5. In paragraph (b) of § 54.7, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

§ 54.8 [Amended]

6. In paragraph (a) of § 54.8, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

(Sec 2, 32 Stat. 792, as amended, sec. 3, 23 Stat. 32, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 12th day of April 1983.

William E. Ketter,

Acting Deputy Administrator, Veterinary Service.

[FR Doc. 83-10175 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 83-023]

Ports of Importation for Animals and Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; Correction.

SUMMARY: This document amends the reference to "§ 92.3(e)" in 9 CFR 92.2(c)(3) to "§ 92.3(f)." This is a correction which is necessary to reflect the fact that § 92.3(e) has been redesignated as § 92.3(f).

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, Chief Staff Veterinarian, Import/Export Animals and Products, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1980, a final rule was published in the **Federal Register** (45 FR 11796-11797) amending the regulations in 9 CFR 92.3 concerning ports of importation for animals and birds. Section 92.3(e) titled "Special ports for pet birds" was redesignated as § 92.3(f) and a new § 92.3(e) titled "Limited ports" was added. However, when these amendments were made the reference in § 92.2(c)(3) to § 92.3(e) was not changed to reflect the new designation. Therefore, the reference to § 92.3(e) in § 92.2(c)(3) is corrected to read: § 92.3(f).

Done at Washington, D.C., this 12th day of April 1983.

William E. Ketter,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-10150 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 106, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, and 9039

[Notice 1983-8]

Presidential Primary Matching Fund

Correction

In FR Doc. 83-8636 appearing on page 14347 in the issue of Monday, April 4, 1983, the date "April 14, 1983" which appears under **"SUMMARY"**, **"EFFECTIVE DATE"**, and **"ANNOUNCEMENT OF EFFECTIVE DATE"** should read "April 4, 1983."

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 522

[No. 83-224]

Internal Processing—Schedule for Election of Federal Home Loan Bank Directors

Dated: April 8, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations governing the procedure for electing directors to the boards of the Federal Home Loan Banks to prescribe earlier dates for completion of various steps involved in the election process. The Board believes that such changes would promote administrative efficiency in the internal processing of election materials and would provide newly elected directors with sufficient opportunity to become more familiar with the Federal Home Loan Bank System before assuming their official roles.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle (202-377-6720), Program Analysis Development Division Director, Office of District Banks, or Deborah C. Jenkins (202-377-6464), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St., N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 7(d) of the Federal Home Loan Bank Act ("Bank Act"), 12 U.S.C. 1427(d), authorizes the Federal Home Loan Bank Board ("Board") to promulgate regulations for the nomination and election of directors to the boards of the Federal Home Loan Banks ("Banks"). Pursuant to this authority, the Board adopted §§ 522.24, 522.25, and 522.26 of the Federal Home Loan Bank System Regulations ("Bank System Regulations"), 12 CFR 522.24-522.26, to prescribe a comprehensive procedure for the election of directors of the Banks. Under this procedure, the Bank election process begins by May 31, the final date for submission of member capital stock reports by the Banks, and culminates on December 15, when the Board declares the results of the election.

The Board has determined to amend §§ 522.24, 522.25 and 522.26 of the Bank System Regulations to prescribe earlier dates for completion of various steps involved in electing directors to the boards of the Banks so that the election process will begin on April 15 and will conclude on November 15. None of the various steps have been eliminated or changed, nor has the time period allowed for completion of various tasks been reduced substantially. The Board believes that such changes are desirable and necessary to promote administrative efficiency in the internal processing of election materials, to enable the Board to designate earlier persons to serve as Chairman and Vice-Chairman of the boards of the Banks, fulfilling its statutory responsibility under section 7(g) of the Bank Act, and most importantly, to provide newly elected directors sufficient opportunity to become familiar with and knowledgeable about the operations of the Banks before assuming responsibility for management of the Banks on January 1.

Because the amendments pertain to internal Board procedures for processing election materials and because it is in the public interest to provide prompt action on such matters, the Board finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 are unnecessary and contrary to the public interest.

List of Subjects in 12 CFR Part 522

Federal Home Loan Banks, Organization.

Accordingly, the Board hereby amends Part 522 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

Revise §§ 522.24, 522.25, and 522.26 as follows:

PART 522—ORGANIZATION OF THE BANKS

Sec.

* * * * *

522.24 Report of stock investment.
522.25 Designation and nomination of elective directorship.
522.26 Election of directors.

* * * * *

§ 522.24 Report of stock investment.

Each Bank shall, by April 15 of each year, report to the Board, on prescribed forms, the number of shares of Bank stock each of its members was required to hold at the end of the preceding calendar year. Such number shall be conclusive for purposes of election of directors.

§ 522.25 Designation and nomination of elective directorship.

(a) By June 15 of each year, the Board will: (1) Notify each member of the number of elective directorships designated for the state in which the member is located; and (2) notify each member in each state for which an elective directorship is to be filled of its right to nominate an eligible person(s) therefor, and provide each such member the following:

(i) A list of members located in its state;

(ii) A current list of directors of the Bank of which it is a member, containing the name of each director, the name and address of the member institution with which he is affiliated, and the expiration date of his term; and

(iii) The nominating certificate.

(b) Each member in each state entitled under these regulations to participate in the election of directors may by resolution of its governing body nominate or authorize one of its directors or officers to nominate a qualified person for each directorship to be filled in its state. The nominating certificate must be received in the Board's Office of District Banks by July 15.

(c) A letter will be sent to each nominee by August 5 informing him of his nomination. However, no such letter will be sent to any nominee: (1) Then serving as an elective director whose term does not expire until after the close of the calendar year during which the election is being held; (2) holding an appointive directorship unless the Office of District Banks has received from him, before July 15, notice of his intention to be a candidate for a directorship; or (3) determined by the Board to be ineligible under section 7(d) of the Act. With such letter will be sent a list of nominees and a questionnaire. The completed

questionnaire must be received in the Office of District Banks by August 20 in order for the nominee to have his name placed on the election ballot. A nominee shall be eligible for election only if his name is so placed on the ballot.

(d) Notwithstanding other provisions of this section, if at any time when nominations are required, the members of a Bank hold less than $1 million of the capital stock of the Bank, the Board will, in accordance with section 7(h) of the Act, appoint a director(s) to fill the place(s) for which nominations are required.

(e) In any Federal Home Loan Bank district that comprises five or more states, the Board may increase the elective directorships to a number not exceeding thirteen. The designations and nomination of all elective directorships shall be undertaken in the manner set forth in this section.

§ 522.26 Election of directors.

(a) By September 25, the Board will mail to each member in each state for which an elective directorship is to be filled a set of ballot materials in a form prescribed by the Board's Office of District Banks. The ballot will contain in alphabetical order the name of each candidate eligible to represent the members located in such state having complied with the provisions of § 522.25 of this Part, the name and address of the member institution with which each candidate is affiliated, the candidate's title in the member institution, and the number of votes the member may cast, as determined under the provisions of paragraph (b) of this section.

(b) The number of votes each member may cast shall equal the number of shares of stock in the Bank required by the Act to be held by such member at the end of the calendar year preceding the election, except that: (1) A member that is the result of a merger or consolidation, occurring in the year of election, of two or more member institutions within the same state and Federal Home Loan Bank district, may cast votes equal to the total number of shares of stock that the merged or consolidated institutions comprising it were required to hold as of the end of the calendar year preceding the election, and (2) no member may cast votes in excess of the average number of such shares required by the Act to be held at the end of such calendar year by members in such state.

(c) Each member entitled to receive a ballot may, by resolution of its governing body, cast its votes or authorize one of its directors or officers to cast its votes for each of as many candidates as there are directorships to be filled. The ballot materials shall be sent to the Office of District Banks and must be received by October 25. No ballot may be changed after it is delivered to the Office of District Banks, which will preserve all ballots until the end of the next calendar year. Election ballots will not be opened until after 5 p.m., e.s.t., October 25. Only ballots executed on forms supplied by the Board will be considered.

(d) By November 15 the Board will declare elected the candidate receiving the highest number of votes cast, and where two or more directorships are to be filled from the ballot, the Board will declare elected each candidate receiving the next succeeding highest number of votes until the number of candidates declared elected equals the number of directorships to be filled. If required by a tied vote, the Board will declare elected one of the candidates whose votes are tied.

(e) The Board will record the results of the election in its minutes and notify the directors elected. The Board will furnish each member such results, including the name and address of the institution with which he is affiliated and his title therein, the number of votes he received, the number of members eligible to cast votes for the directorship(s), and the total eligible votes all such members were entitled to cast.

(f) In any date specified in §§ 522.24 through 522.26 occurs on a Saturday, Sunday, or holiday, the next business day shall be included in the time allowed. No nominating certificate, questionnaire, or ballot shall be considered unless received in the Office of District Banks by the date specified.

(Secs. 6, 7, 17, 47 Stat. 728, 729, 736, as amended (12 U.S.C. 1426, 1427, 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board

J. J. Finn,

Secretary.

[FR Doc. 83-10098 Filed 4-14-83; 8:45am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department wishes to clarify the application of its antiboycott regulations to situations involving the shipment of goods to a boycotting country by United States persons when the goods are denied entry for boycott-related reasons.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202/377-2381).

SUPPLEMENTARY INFORMATION: The antiboycott regulations prohibit boycott-based refusals to do business. 15 CFR 369.2(a) provides that:

> No United States person may: refuse, knowingly agree to refuse, require any other person to refuse or knowingly agree to require any other person to refuse to do business with or in a boycotted country, with any business concern organized under the laws of a boycotted country, with any national or resident of a boycotted country, or with any other person, when such refusal is pursuant to an agreement with the boycotting country, a requirement of the boycotting country, or a request from or on behalf of the boycotting country.

Over the past five years the Office of Antiboycott Compliance has provided its position informally on the application of this provision to situations involving the refusal by a boycotting country to permit the entry of goods supplied by a United States person for boycott-related reasons. The Office is now providing that position in written form as another interpretation of the antiboycott regulations.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting requirements, Restrictive trade practices, Trade practices.

Interpretation

The principal author of this interpretation is Brian C. Murphy, Office of Antiboycott Compliance.

PART 369—APPENDIX [SUPPLEMENT 7—ADDED]

The following appendix is added to Part 369 as Supplement 7:

Supplement 7—Appendix—Interpretation

Prohibited Refusal To Do Business

When a boycotting country rejects for boycott-related reasons a shipment of goods sold by a United States person, the United States person selling the goods may return them to its inventory or may re-ship them to other markets (the United States person may *not* return them to the original supplier and demand restitution). The U.S. person may

then make a non-boycott based selection of another supplier and provide the goods necessary to meet its obligations to the boycotting customer in that particular transaction without violating § 369.2(a) of the Regulations.

If the United States person receives another order from the same boycotting country for similar goods, the Department has determined that a boycott-based refusal by a United States person to ship goods from the supplier whose goods were previously rejected would constitute a prohibited refusal to do business under § 369.2(a) of the antiboycott regulations. The Department will presume that filling such an order with alternative goods is evidence of the persons' refusal to deal with the original supplier.

The Department recognizes the limitations this places on future transactions with a boycotting country once a shjipment of goods has been rejected. Because of this, the Department wishes to point out that, when faced with a boycotting country's refusal to permit entry of the particular goods, a United States person may state its obligation to abide by the requirements of United States law and indicate its readiness to comply with the unilateral and specific selection of goods by the boycotting country in accordance with § 369.3(c) of the antiboycott regulations. That Section provides, in pertinent part, as follows:

A United States person may comply or agree to comply in the normal course of business with the unilateral and specific selection by a boycotting country * * * of * * * specific goods, * * * provided that * * * with respect to goods, the items, the normal course of business, are identifiable as to their source or origin at the time of their entry into the boycotting country by (a) uniqueness of design or appearance or (b) trademark, trade name, or other identification normally on the items themselves, including their packaging.

The United States person may also provide certain services in advance of the unilateral selection by the boycotting country, such as the compilation of lists of qualified suppliers, so long as such services are customary to the type of business the United States person is engaged in, and the services rendered are completely non-exclusionary in character (i.e., the list of qualified suppliers would have to include the supplier whose goods had previously been rejected by the boycotting country, if they were fully qualified). See § 369.2(a)(6) for a discussion of the requirements for the provision of these services.

The Department wishes to emphasize that the unilateral selection exception in § 369.3(c) will be construed narrowly, and that all its requirements and conditions must be met, including the following:

—Discretion for the selection must be exercised by a boycotting country, or by a national or resident of a boycotting country;
—The selection must be stated in the affirmative specifying a particular supplier of goods;
—While a permissible selection may be boycott based, if the United States person knows or has reason to know that the purpose of the selection is to effect discrimination against any United States person on the basis of race, religion, sex, or national origin, the person may not comply under any circumstances.

The Department cautions United States persons confronted with the problem or concern over the boycott based rejection of goods shipped to a boycotting country that the adoption of devices such as "risk of loss" clauses, or conditions that make the supplier financially liable if his or her goods are rejected by the boycotting country for boycott reasons are presumed by the Department to be evasion of the statute and regulations, and as such are prohibited by § 369.4 of the antiboycott regulations, unless adopted prior to January 18, 1978. See § 369.4(d).

Dated: April 11, 1983.

William V. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 83-10083 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 82F-0364]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tris(2,4-di-*tert*-butylphenyl) phosphite as an antioxidant and/or thermal stabilizer for polycarbonate resins by removing the current temperature limitations. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective April 15, 1983. Objections by May 16, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 28, 1982 (47 FR 57774), FDA announced that a petition (FAP 2B3664) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl) phosphite as an antioxidant and/or thermal stabilizer for polycarbonate resins.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 178 is amended in § 178.2010(b) by revising the entry for "Tris(2,4-di-*tert*-butylphenyl) phosphite" under limitation 3 to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Tris(2,4-di-*tert*-butylphenyl) phosphite (CAS Reg. No. 31570-04-4).	* * * 3. At levels not to exceed 0.3 percent by weight of polycarbonate resins complying with § 177.1580 of this chapter.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 16, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 15, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10038 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dexamethasone Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Rachelle Laboratories, Inc., providing for safe and effective use of a dexamethasone injection in dogs, cats, and horses for its rapid adrenal glucocorticoid and anti-inflammatory effect.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Rachelle Laboratories, Inc., 700 Henry Ford Ave., P.O. Box 2029, Long Beach, CA 90801, filed NADA 130–660 providing for intravenous use of Dexachel, a solution containing 2 milligrams of dexamethasone per milliliter, in dogs, cats, and horses. The drug is used for its rapid adrenal glucocorticoid and/or anti-inflammatory effect.

The formulation of this product is identical to that of Schering Corporation's Azium (dexamethasone sterile injection), which was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC) and found effective as an anti-inflammatory agent in dogs, cats, horses, and cattle; approval of this drug is codified in 21 CFR 522.540. NADA 130–660 is approved on the basis of its being identical to the approved, NAS/NRC reviewed product. Section 522.540 provides that because the conditions of use have been NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an intravenous solution; therefore, the requirement for bioequivalency data is waived under 21 CFR 320.22(b)(1). The product is approved on the basis of generic equivalency, and the regulation is amended to reflect the approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.540 by adding new paragraph (d)(2)(iii) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.540 Dexamethasone injection.

* * * * *

(d) * * *

(2) * * *

(iii) No. 000196 for intravenous use of 2.0 milligrams dexamethasone injection.

* * * * *

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 5, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9806 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Diprenorphine Hydrochloride Injection/Etorphine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations concerning new animal drug applications (NADA's) for use of diprenorphine hydrochloride injection and etorphine hydrochloride injection to provide for a revised labeling statement. Supplemental NADA's, filed by American Cyanamid Co. and Lemmon Co., provide for the change.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, is sponsor of NADA 47–870, and Lemmon Co., Sellersville, PA 18960, is sponsor of NADA 95–017, both providing for use of diprenorphine hydrochloride injection (21 CFR 522.723) and etorphine hydrochloride injection (21 CFR 522.883). The drugs are used respectively for reversing the effects of etorphine hydrochloride and for immobilization of wild or exotic animals. Both firms filed supplements to their NADA's to provide revised labeling stating that the drugs are for

use in wild or exotic animals only, not for use in domestic food-producing animals, and not for use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food. The supplements are approved and the regulations are amended to reflect the approval.

Approval of these supplements does not require new safety or effectiveness data in support of the approval. Therefore, freedom of information summaries are not required.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. In § 522.723, by revising paragraph (d)(3) to read as follows:

§ 522.723 Diprenorphine hydrochloride injection.

* * * * *

(d) * * *

(3) For use in wild or exotic animals only. Do not use in domestic food-producing animals. Do not use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food.

* * * * *

2. In § 522.883, by revising paragraph (d)(4) to read as follows:

§ 522.883 Etorphine hydrochloride injection.

* * * * *

(d) * * *

(4) For use in wild or exotic animals only. Do not use in domestic food-producing animals. Do not use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food.

* * * * *

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 8, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-10009 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Euthanasia Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for use of a euthanasia solution to induce rapid, humane, painless euthanasia of dogs.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, is sponsor of NADA 128-967 providing for intravenous use of Repose Euthanasia Solution containing 400 milligrams (mg) of secobarbital sodium and 25 mg of dibucaine hydrochloride per milliliter for the rapid, humane, and painless euthanasia of dogs. The sponsor submitted studies establishing effectiveness and safety (humane and painless euthanasia) of the drug, including studies that demonstrate that the drug meets the requirements of the Bureau of Veterinary Medicine's combination drug policy. The NADA is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.900 is amended by adding new paragraph (c) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.900 Euthanasia solution.

* * * * *

(c)(1) *Specifications.* Each milliliter of nonsterile, aqueous solution contains 400 milligrams of secobarbital sodium and 25 milligrams of dibucaine hydrochloride.

(2) *Sponsor.* See 000033 in § 510.600(c) of this chapter.

(3) Conditions of use—(i) *Indications for use.* To induce rapid, humane, painless euthanasia of dogs.

(ii) *Amount.* For dogs, 1 milliliter for each 10 pounds of body weight.

(iii) *Limitations.* For intravenous injection. Do not use for therapeutic purposes. Do not use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 5, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9907 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7884]

Income Tax; Taxable Years Beginning After December 31, 1953; Special Periods of Limitation With Respect to Partnership Items of Federally Registered Partnerships

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the special periods of limitation for assessing a deficiency, and for filing a claim for credit or refund of any overpayment, attributable to a partnership item of a federally registered partnership. The regulations would provide the necessary guidance to the public to comply with the law.

DATE: These regulations are effective for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982.

FOR FURTHER INFORMATION CONTACT: Donald W. Stevenson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington , D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1983, proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6501 (o) and 6511 (g) of the Internal Revenue Code of 1954 (as they read before the enactment of the Tax Equity and Fiscal Responsiblity Act of 1982 were published in the **Federal Register** (48 FR 1764). These amendments were proposed to conform the regulations to amendments made to the Code by section 212 of the Revenue Act of 1978 (92 Stat. 2818) and section 102 (a) (2) (A) and (B) of the Technical Corrections Act of 1979 (94 Stat. 208), effective for partnership taxable years beginning after December 31, 1978. For partnership taxable years beginning after September 3, 1982, section 402 (c) (5) and (7) of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 667) further amended Code sections 6501 (o) and 6511 (g) and removed the special provisions for federally registered partnership. Thus, the amendments are effective for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982.

No written comments were received in response to the proposed regulations, and no speakers appeared at the public hearing held on March 23, 1983. Therefore, the proposed amendments are adopted without change by this Treasury decision.

This Treasury decision is issued under the authority contained in section 6501 (o) (as it read before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 2818, 26 U.S.C. 6501 (o); 68A Stat. 917, 26 U.S.C. 7805).

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

The principal author of these regulations is Donald W. Stevenson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6501 (o) and 6511 (g), as published in the **Federal Register** on January 14, 1983 (48 FR 1764), are hereby adopted without change as set forth below.

Approved: April 8, 1983.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

John E. Chapoton,

Assistant Secretary of the Treasury.

48 FR 1764 Jan. 14, 1983

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Partnership item, Penalties, Pensions, Statistics, Taxes, Disclosure of information, and Filing requirements.

PART 301—[AMENDED]

The amendments to 26 CFR Part 301 are as follows:

Paragraph 1. New §§ 301.6501(o)-2 and 301.6501(o)-3 are added to read as follows:

§ 301.6501(o)-2 Special rules for partnership items of federally registered partnerships.

(a) *In general.* In the case of any tax imposed by subtitle A with respect to any person, the period for assessing a deficiency attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(1) The date which is 4 years after the date on which the return of the federally registered partnership for the partnership taxable year in which the item arose is filed (or, if later, the date prescribed for filing the return), or

(2) If the name or address of the person against whom the assessment is sought does not appear on the return of the federally registered partnership, the date which is 1 year after the date on which a satisfactory identifying statement is furnished in writing to the director of the service center with which the partnership return is filed. A satisfactory identifying statement is a written statement providing the name, address, and taxpayer identification number of both the partner and the partnership. The statement shall note the partnership taxable year for which the statement is furnished.

(b) *"Pass through" entity as partner.* In the case of a partnership having a "pass through" entity (*i.e.*, partnership, electing small business corporation (as defined in section 1371(b)), trust, estate, or nominee) as a partner, the 1 year period described in paragraph (a)(2) of this section shall not begin with respect to the person to be assessed until the chain of ownership linking the taxpayer with the federally registered partnership in which the item originally arose is fully disclosed.

Example. Partnership U, a federally registered partnership, has two partners, Partnerships W and X. The partners of W are A and B, who are individuals, and T, a trust whose beneficiaries are individuals C and D. The partners of X are E, an individual, and Partnership Y whose partners are individuals F, G, and H. U and X properly disclose the identity of their partners. W, however, discloses the identity of only A and B, and Y discloses the identity of only F and G. The period of limitation described in paragraph (a) of this section for items attributable to U does not expire with respect to T, C, D, and H until one year after the chain of ownership linking these taxpayers with U is fully disclosed.

(c) *Federally registered partnership*—(1) *In general.* With respect to any partnership taxable year, a federally registered partnership is any partnership—

(i) Interests in which have been offered for sale at any time during the taxable year or a prior taxable year in an offering required to be registered with the Securities and Exchange Commission, or

(ii) Which, at any time during the taxable year or a prior taxable year, was subject to the annual reporting requirements of the Securities and Exchange Commission which relate to the protection of investors in the partnership.

For purposes of the preceding sentence an interest is "offered for sale" when it is the subject of an "offer for sale" as that term is used in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(2) *Certain reporting requirements not taken into account.* A requirement to file reports with the Securities and Exchange Commission for any purpose other than to protect investors does not cause the partnership to be treated as a federally registered partnership. For example, a brokerage firm organized as a partnership is not a federally registered partnership merely because it files reports required by the Commission for regulatory purposes.

(d) *Extension by agreement*—(1) *In general.* Any general partner of a federally registered partnership (or any other person authorized by the partnership) may, prior to the expiration of the limitation period described in paragraph (a) of this section, extend the period for assessing a deficiency attributable to a partnership item for any period of time agreed upon in writing. The extension shall become effective when the agreement has been executed by the district director or the service center director and shall be binding on all persons whose liability for tax imposed by subtitle A is affected in whole or in part by partnership items flowing from the partnership.

(2) Authorization of other persons. The partnership may authorize persons other than the general partners to extend the period of limitation for assessing a deficiency attributable to a partnership item. This authorization shall be in writing, shall clearly identify the person being authorized and the action being authorized, and shall be signed by all the general partners. The authorization shall become effective when filed with the district director and shall remain in effect until a written revocation signed as provided in the preceding sentence is filed.

(3) Removing authority of general partners. A partnership wishing to deny to some or all of the general partners the authority to execute an agreement extending the period of limitation for assessment may do so by submitting a written statement to that effect. The statement shall either identify the partners exclusively authorized to execute such an agreement or declare that one or more named partners or all partners lack the authority to execute such an agreement. The statement shall be signed by all the general partners. The statement shall become effective when filed with the district director and shall remain in effect until a statement revoking or superseding it and signed as provided in the preceding sentence is filed.

(e) Special period of limitation with respect to carryback of net operating loss, capital, loss, etc. The provisions of section 6501(o) must also be taken into account in applying the various special periods of limitation prescribed in sections 6501 (h), (i) and (j). Thus, to the extent that a carryback is attributable to a partnership item of a federally registered partnership, the period for assessing a deficiency attributable to that carryback shall not expire before the date determined under paragraph (a) of this section with respect to the partnership taxable year in which the item arose.

(f) Otherwise applicable limitation period. The special provisions of section 6501(o) and this section do not terminate any otherwise applicable period for assessing a deficiency. Thus, the fact that more than 4 years have elapsed since the filing of the partnership return for the year in issue does not prevent assessment against a partner based on partnership items if an otherwise applicable period of limitation for the partner has not yet expired

Example. Partnership V files its return for the taxable year ending December 31, 1980, on April 15, 1981. A, a partner in Partnership V, agrees to extend the assessment period for A's taxable year ending December 31, 1980, until September 30, 1985. The partnership does not agree to any extension under section 6501(o)(3) so that the period for assessing a deficiency attributable to partnership items could expire on April 15, 1985. A deficiency may be assessed against A for 1980 at any time prior to October 1, 1985, even if that deficiency is based on partnership items.

(g) *Effective date.* This section and § 301.6501(o)–3 are effective generally for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982. This section shall not apply, however, to any partnership taxable year with respect to which the amendments made to Code section 6501(o) by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982 are effective. See section 407(a)(3) of that Act.

§ 301.6501(o)–3 Partnership items.

(a) *Partnership item defined.* For purposes of section 6501(o) (as it read before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982), § 301.6501(o)–2, and § 301.6511(g)–1, the term "partnership item" means—

(1) Any item required to be taken into account for the partnership taxable year under any provision of subchapter K of chapter 1 of the Code, to the extent that the item is designated in paragraph (b) of this section as more appropriately determined at the partnership level than at the partner level, and

(2) Any other item to the extent affected by an item described in paragraph (b) of this section.

The items described in paragraph (a)(2) of this section include items related to the partnership (for example, a partner's basis in the partnership interest) as well as more general items whose computation may be affected by changes to items described in paragraph (b) of this section (for example, adjusted gross income, self-employment tax, income averaging, medical deduction, and charitable contribution deduction).

(b) *Items more appropriately determined at the partnership level.* The following items which are required to be taken into account for the taxable year of a partnership under subchapter K of chapter 1 of the Code are more appropriately determined at the partnership level than at the partner level:

(1) The partnership aggregate and each partner's share of each of the following:

(i) Items of income, gain, loss, deduction, or credit of the partnership;

(ii) Expenditures by the partnership not deductible in computing its taxable income (for example, foreign taxes and charitable contributions);

(iii) Items of the partnership which may be tax preference items under section 57(a) for any partner;

(iv) Income of the partnership exempt from tax;

(v) Partnership liabilities (including determinations with respect to the amount of the liabilities, whether the liabilities are nonrecourse, and changes from the preceding taxable year); and

(vi) Other amounts with respect to partnership investments, transactions, and operations necessary to enable partners to compute—

(A) The credit provided by section 38;

(B) Recapture under section 47 of the credit provided by section 38,

(C) Their amounts at risk in any activity to which section 465 applies, and

(D) The depletion allowance under section 613A with respect to oil and gas wells;

(2) Guaranteed payments;

(3) Optional adjustments to the basis of partnership property pursuant to an election under section 754 (including necessary preliminary determinations, such as the determination of a transferee partner's basis in a partnership interest); and

(4) To the extent that the determination can be made from determinations that are necessary at the partnership level with respect to an amount, the character of an amount, or the percentage interest of a partner in the partnership for purposes of the partnership books and records or for purposes of furnishing information to a partner—

(i) Contributions to the partnership;

(ii) Distributions from the partnership;

(iii) Amounts to be taken into account by a partner dealing with the partnership in a transaction to which section 707(a) applies (including the application of section 707(b));

(iv) The application to the distributee partner of section 751(b); and

(v) The application to the transferor partner of section 751(a).

(c) *Illustrations.* This paragraph (c) illustrates the provisions of paragraph (b)(4) of this section. The factors enumerated are not exhaustive; there may be additional partnership-level determinations with respect to a determination listed in paragraph (b)(4) of this section.

(1) *Contributions.* For purposes of its books and records, or for purposes of furnishing information to a partner, the partnership needs to determine:

(i) The character of an amount received from a partner (for example, whether it is a contribution, a loan, or a repayment of a loan);

(ii) The amount of money contributed by a partner;

(iii) The applicability of the investment company rules of section 721(b) with respect to a contribution; and

(iv) The basis to the partnership of contributed property. To the extent that a determination with respect to a contribution can be made from these and similar partnership-level determinations, therefore, the determination is more appropriately made at the partnership level. To the extent that that determination requires other information, however, that determination is more appropriately made at the partner level. For example, it may be necessary to determine whether the contribution of the property causes recapture from the contributing partner of the credit provided under section 38 in certain circumstances in which that determination is irrelevant to the partnership.

(2) *Distribution.* For purposes of its books and records, or for purposes of furnishing information to a partner, the partnership needs to determine:

(i) The charter of an amount transferred to a partner (for example, whether it is a distribution, a loan, or a repayment of a loan);

(ii) The amount of money distributed to a partner;

(iii) The adjusted basis to the partnership of distributed property; and

(iv) The character of partnership property (for example, whether an item is inventory or a capital asset). To the extent that a determination with respect to a distribution can be made from these and similar partnership-level determinations, therefore, the determination is more appropriately made at the partnership level. To the extent that that determination requires other information, however, that determination is more appropriately made at the partnership level. Such other information would include certain factors used in determining the partner's basis for the partnership interest, such as the amount that the partner paid to acquire the partnership interest from a transferor partner if that transfer was not covered by an election under section 754.

(3) *Transactions to which section 707(a) applies.* For purposes of its books and records, the partnership needs to determine:

(i) The amount transferred from the partnership to a partner or from a partner to the partnership in any transaction to which section 707(a) applies;

(ii) The character of such an amount (for example, whether or not it is a loan; in the case of amounts paid over time for the purchase of an asset, what portion is interest); and

(iii) The percentage of the capital interests and profits interests in the partnership owned by each partner.

To the extent that a determination with respect to a transaction to which section 707(a) applies can be made from these and similar partnership-level determinations, therefore, that determination is more appropriately made at the partnership level. To the extent that the determination requires other information, however, that determination is more appropriately made at the partner level. Examples of such other information are the cost to the partner of goods sold to the partnership and the extent to which the partner may be treated under section 267(c) as the constructive owner of a capital or profits interest actually owned by another.

(4) *Application of section 751.* For purposes of its books and records, or for purposes of furnishing information to a partner for use in applying section 751, the partnership needs to determine:

(i) The fair market value and adjusted basis of the partnership's—

(A) Unrealized receivables (within the meaning of section 751(c)),

(B) Substantially appreciated inventory (within the meaning of section 751(d)), and

(C) Other property;

(ii) A partner's share of each of the classes of assets described in paragraph (c)(3)(i) of this section; and

(iii) Whether a distribution to a partner is a disproportionate distribution subject to section 751(b).

To the extent that a determination with respect to the application of section 751 can be made from these and similar partnership-level determinations, therefore, that determination is more appropriately made at the partnership level. To the extent that the determination requires other information, however, that determination is more appropriately made at the partner level. An example of such other information is the amount realized by a partner on the sale of a partnership interest.

Par. 2. A new § 301.6511(g)–1 is added to read as follows:

§ 301.6511(g)–1 Special rule for partnership items of federally registered partnerships.

(a) *In general.* In the case of any tax imposed by subtitle A with respect to any person, the period for filing a claim for credit or refund of any overpayment attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(1) The date which is 4 years after the date prescribed by law (including extensions thereof) for filing the partnership return for the partnership taxable year in which the item arose, or

(2) If the taxpayer or a general partner or a person authorized to act on behalf of the partnership, as provided in § 301.6501(o)–2(d), consents to extend the period for assessing a deficiency attributable to the partnership item before the date specified in paragraph

(a)(1) of this section, the date 6 months after the expiration of the extension.

(b) *Limits on amount of credit or refund not applicable.* In the case of a claim for credit or refund of any income tax overpayment attributable to any partnership item of a federally registered partnership, the limitations provided in section 6511(b) (2) and (c) shall not apply if the claim is filed within the period described in paragraph (a) of this section.

(c) *Special periods of limitation with respect to carryback of net operating loss, capital loss, etc.* The provisions of section 6511(g) must also be taken into account in applying the various special periods of limitation prescribed in section 6511(d). Thus, to the extent that a carryback is attributable to a partnership item of a federally registered partnership, the period for filing a claim for credit or refund of an overpayment attributable to that carryback shall not expire before the date determined under paragraph (a) of this section with respect to the partnership taxable year in which the item arose.

(d) *Definitions.* For purposes of this section, the terms "partnership item" and "federally registered partnership" have the same meaning as such terms have when used in section 6501(o), § 301.6501(o)–2(c), and § 301.6501(o)–3.

(e) *Effective date.* The provisions of this section are effective generally for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982. This section shall not apply, however, to any partnership taxable year with respect to which the amendments made to Code section 6511(g) by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982 are effective. See section 407(a)(3) of that Act.

[FR Doc. 83-10046 Filed 4-14-83; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-131; Reference Notice No. 431]

Arroyo Seco Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Monterey County, California, known as "Arroyo Seco." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines come from, and will help consumers to identify the wine they purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Arroyo Seco Winegrowers and Vintners, an association composed of grapegrowers and vintners with vineyards in the Arroyo Seco area, to establish a viticultural area within Monterey County, California known as "Arroyo Seco." In response to their petition, ATF published a notice of proposed rulemaking, Notice No. 431, in the **Federal Register** on November 3, 1982 [47 FR 49860] proposing the establishment of the Arroyo Seco viticultural area.

General Description of Arroyo Seco

The Arroyo Seco viticultural area is a triangular shaped area adjacent to the Arroyo Seco Creek which flows into the Salinas River near Soledad. The total area comprising the Arroyo Seco viticultural area is 28.5 square miles or 18,240 acres. Within the area there are about 8,500 acres of vineyards and two bonded wineries.

Supporting Evidence

Name. Arroyo Seco is the name given to a land grant and rancho existing in the vicinity of the viticultural area. Arroyo Seco, meaning "dry creek" is the name of the creek flowing through the viticultural area. Vineyards were first planted in this area in 1962 by Mirassou Sales, a San Jose Winery. In 1963, Wente Brothers of Livermore, California, planted vineyards along the Arroyo Seco Creek which are known as Wente's Arroyo Seco Vineyards. Since 1963, many other vineyards have been planted in this region and Arroyo Seco has been used in numerous magazines, newspapers, and wine publications in describing wines from this region.

Geographical features. Topography distinguishes the Arroyo Seco viticultural area from surrounding areas. This area consists of sloping bench land surrounding the Arroyo Seco Creek. The highest elevations of over 600' occur to the west on the Sierra de Salinas, foothills of the Santa Lucas Mountains. A ridgeline of between 500' and 300' in elevation separates Arroyo Seco from areas immediately to the south. From these elevations, the area slopes gradually downward to the lowest points of 180' elevation on the north along the Arroyo Seco Creek, and 220' elevation on the west along the Salinas River. It is this sloping bench land high above the Salinas River which provides adequate drainage and freedom from frost for area vineyards.

Climate. The climate of the Arroyo Seco area is unique in amount of rainfall, temperature range, and the variability of the winds.

The major climatic influences are the Pacific Ocean and Monterey Bay. To the west, the Santa Lucas Mountains block damaging Pacific rains from the area. Winds off Monterey Bay, however, blow down the Salinas River, cooling the valley and providing a moderate climate. The cooling effects of the wind make the northern Salinas Valley quite cold. Gonzales is classified as Region I on the scale developed by Winkler and Amerine to measure degree days, with 2350 degree days. In the Arroyo Seco area, the climate is considered Region II. Soledad, to the immediate north, registers 2880 degree days while Wente's Arroyo Seco Vineyards average between 1875 and 2250 degree days. The cooling effect of the wind diminishes further south. King City averages 3150 degree days, placing it in Region III while San Miguel is classified as Region IV. The growing season is approximately 245 days.

Rainfall is sparse in the Arroyo Seco viticultural area. Soledad averages just 9.5 inches per year, less than received to the north where Salinas averages 13.7 inches and Gonzales 12.3 inches per year. Because of the sparse rainfall, all vineyards within the Arroyo Seco region irrigate, using water from Arroyo Seco Creek rather than from the Salinas River.

Soils. The soils in the Arroyo Seco area consist of a series of gravelly and

fine sandy loams well suited to the cultivation of grapes. The viticultural area is an alluvial fan formed by well drained soils with slopes ranging from 0 to 9 percent. Principal soil series include Mocho, Lockwood, Arroyo Seco, Rincon, Elder, and Chular. The prominent soils, Chular and Arroyo Seco, are coarse sandy loams derived from decomposed granite washed down from the Gavilan Mountains. These soils are gravelly and low in lime content similar to the vineyards in the Medoc and Graves districts of Bordeaux, and to the better vineyards in the Palatinate.

Viticultural history. Wine grapes were first planted in the vicinity of Arroyo Seco between 1830 and 1840 at the nearby Mission Soledad. Winegrowing, however, never became important in Monterey County because it was considered a "poor area" for viticulture. Strong winds off Monterey Bay and the arid climate of the Salinas River Valley deterred the planting of wine grapes. During Prohibition, only 400 acres of vineyards survived in Monterey County, and this acreage was halved in the years following Repeal.

It was not until the early 1960's that vineyards were planted in the Arroyo Seco region. Three wineries, Paul Masson, Wente Brothers, and Mirassou, feeling the effects of urbanization in Santa Clara and Alameda Counties, began searching for new areas in California in which to plant vineyards. These wineries noted the conclusion of a report prepared by professors Maynard Amerine and A. J. Winkler of the University of California. Their report concluded that Monterey County contained Region I and II climatic areas and was suited to the growing of premium quality grapes.

Acting on the recommendations contained within the Amerine-Winkler report, Paul Masson and Mirassou planted vineyards between Soledad and Greenfield in 1962, and in 1963 Wente Bros. planted vineyards along the Arroyo Seco Creek west of Greenfield. The first wines were produced from Arroyo Seco grapes in 1966.

Since 1962, nearly 8,500 acres of premium varietal grapes have been planted in the Arroyo Seco viticultural area including Pinot Blanc, Riesling, Gewurztraminer, Chardonnay, Gamay, Cabernet Sauvignon, Petit Sirah, and Sauvignon Blanc.

No Comments Received

The notice of proposed rulemaking, Notice No. 431, contained a 45 day comment period. No comments were received during this comment period. Based on the information contained in the petition, the Arroyo Seco viticultural area is established as proposed.

The exact boundaries of the Arroyo Seco viticultural area are described in the regulatory text of § 9.59, and are unchanged from those proposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This rule will allow the petitioner and other persons to use an appellation of origin, "Arroyo Seco," on wine labels and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.59. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.59 Arroyo Seco.

* * * * *

Par. 2. Subpart C is amended by adding § 9.59. As added, § 9.59 reads as follows:

§ 9.59 Arroyo Seco.

(a) *Name.* The name of the viticultural area described in this section is "Arroyo Seco."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Arroyo Seco viticultural area are four U.S.G.S. quadrangle maps. They are entitled:

(1) "Greenfield, California," 7.5 minute series, edition of 1956;

(2) "Paraiso Springs, California," 7.5 minute series, edition of 1956;

(3) "Soledad, California," 7.5 minute series, edition of 1955; and

(4) "Sycamore Flat, California," 7.5 minute series, edition of 1956 (photoinspected 1972).

(c) *Boundaries.* The Arroyo Seco viticultural area is located in Monterey County, California. The beginning point is found on the "Sycamore Flat" U.S.G.S. map at the junction of Arroyo Seco Road and the Carmel Valley Road (indicated as the Jamesburg Road on the map).

(1) Then east following Arroyo Seco Road to the southwest corner of Section 22, T. 19 S., R. 5 E.

(2) Then east following the southern boundaries of Sections 22, 23, 24, 19, and 20 to the southeastern corner of Section 20, T. 19 S., R. 6 E.

(3) Then northeast in a straight line for approximately 1.3 miles to the summit of Pettits Peak.

(4) Then northeast in a straight line for approximately 1.8 miles to the point where the 400' contour line intersects the northern boundary of Section 14, T. 19 S., R. 6 E.

(5) Then east following the 400' contour line to a point immediately west of the Reservoir within the Posa de los Ositos Land Grant.

(6) Then following the ridge line in a northeasterly direction for approximately 7.5 miles to U.S. Highway 101 at the intersection of Underwood Road.

(7) Then east following Underwood Road to its intersection with the Posa de los Ositos Land Grant.

(8) Then north following the boundary of the Posa de los Ositos Land Grant to the west bank of the Salinas River.

(9) Then northwest following the west bank of the Salinas River to the southern boundary of Section 17, T. 18 S., R. 7 E.

(10) Then due west for approximately 2.0 miles following the southern boundary of Section 17, and continuing to U.S. Highway 101.

(11) Then following U.S. Highway 101 in a northwesterly direction to its intersection with Paraiso Road.

(12) Then south following Paraiso Road to the intersection with Clark Road.

(13) Then south in a straight line for approximately 1.8 miles to the northeast corner of Section 5, T. 19 S., R. 6 E.

(14) Then due south following the eastern boundaries of Sections 5, 8, and 17, to Arroyo Seco Road.

(15) Then southwest in a straight line for approximately 1.0 mile to Bench Mark 673.

(16) Then west in a straight line for approximately 1.8 miles to Bench Mark 649.

(17) Then northwest in a straight line for approximately 0.2 mile to the northeast corner of Section 23, T. 19 S., R. 5 E.

(18) Then west following the northern boundaries of Section 23 and 22 to the northwest corner of Section 22, T. 19 S., R. 5 E.

(19) Then south in a straight line for approximately 1.0 mile to the point of beginning.

Signed: March 21, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-10112 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-130; Reference Notice No. 400]

Cole Ranch Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Mendocino County, California, named "Cole Ranch." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of "Cole Ranch" as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate, and help consumers to better identify, the wines from this distinctive grape-growing area.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Steve Simon at (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin on wine labels and in wine advertisements. In 27 CFR 4.25a(e)(1) and 9.11, the term "viticultural area" is defined as a delimited, grape-growing region distinguishable by geographical features. In 27 CFR 4.25a(e)(2), procedures for proposing an American viticultural area are outlined. Those procedures allow any interested person to submit a petition for establishment of an American viticultural area.

In response to a petition from the proprietor of Cole Ranch in Ukiah, California, ATF published a notice of proposed rulemaking, Notice No. 400, in the **Federal Register** on December 4, 1981 (46 FR 59273), which proposed the "Cole Ranch" viticultural area in Mendocino County, California. ATF solicited public comment concerning the proposed area.

Only one comment was received in response to this notice: Fetzer Vineyards, Redwood Valley, California, which supported the proposal to establish "Cole Ranch" as a viticultural area. Fetzer Vineyards and several other wineries purchase grapes from this viticultural area. Both Fetzer Vineyards and Chateau St. Jean label their wines produced from these grapes with a "Cole Ranch" appellation. Other wineries which purchase grapes from the Cole Ranch vineyard are Parson's Creek Winery, Souverain Cellars, Navarro Winery, Husch Vineyards, Frei Brothers Winery and Dolan Vineyard. The information furnished by the petitioner and the supporting comment were sufficient for ATF to make a final decision concerning the establishment of "Cole Ranch" as a viticultural area.

Evidence of Name

The "Cole Ranch" viticultural area is located in a small, narrow mountain valley most of which is on the 500-acre ranch owned by the Cole family. The valley is approximately one mile in length and a half mile across at its widest point. It contains approximately 150 acres of land. Small areas of this valley are owned by neighboring property owners whose statements, supporting the petition, were submitted to ATF by the petitioner. At least one of those other owners has enough land for potential commercial vineyard development. The only grape grower at present, however, is the Cole family. Vines were planted in 1973, and grapes were first harvested in 1975. Now there are 61 acres planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The small valley comprising this viticultural area has no name on a map. In viticultural circles, however, the area has become well-known by the name of "Cole Ranch," after the name of the property in which it primarily lies. As mentioned, several nationally marketed wines have had the designation "Cole Ranch" appear prominently on their lables. Various publications on wine production also refer to the area as "Cole Ranch" or "Cole Vineyard" and have given the name national exposure.

ATF has reservations about approving a viticultural area named after someone's private ranch or vineyard. Normally, it would not be best to designate (or appear to designate) a ranch or vineyard as a viticultural area, even if shown to be different from the surrounding area, as long as there is any other name by which the viticultural area is known. In the case of "Cole Ranch," however, there is no such other name. "Cole Ranch" meets the regulatory criteria for a viticultural area, and no one objected to the proposed name during the comment period.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area must also possess geographical features which distinguish the viticultural features of the area from those of surrounding areas.

Evidence submitted by the petitioner shows that "Cole Ranch" is isolated by topography from other grape-growing areas and is extremely limited in size by both topography and soils. The area is a tiny valley surrounded by the steep mountains of the Coastal Ranges. The nearest other vineyard is 1½ miles away and 800 feet lower in elevation. The soils of the "Cole Ranch" viticultural area range from deep, gravelly clay loam to shallow, gravelly silty clay, and are distinguishable from the mountain soils of the immediately surrounding area.

AFT believes that the valley floor elevation of "Cole Ranch" at 1400 feet and its geographical location in a

narrow coastal mountain valley 25 miles from the Pacific Ocean give the area a climate distinguishable from surrounding areas. "Cole Ranch" viticultural area is generally cooler than nearby grape-growing areas to the east, and warmer than those to the west. However, at the beginning and end of the growing season, "Cole Ranch" is cooler than surrounding areas both to the east and to the west. Thus the temperature pattern of "Cole Ranch" is unique. In addition, "Cole Ranch" receives on an average more rainfall (normally 40–45 inches) than the neighboring Ukiah area (normally 32 inches).

Boundaries

ATF is approving the "Cole Ranch" viticultural area boundaries as proposed by the petitioner. Based on features which can be found on a United States geological survey map, the boundaries follow the contour line at an elevation of 1,480 feet, the north line of section 19 and the local Boonville-Ukiah Cutoff Road.

Miscellaneous

ATF does not wish to give the impression that, by approving "Cole Ranch" as a viticultural area, it is approving the quality of the wine from that area or endorsing the wine. ATF is approving the area as being viticulturally distinct from surrounding areas, not better than other viticultural areas. By approving "Cole Ranch," wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. ATF will not allow statements or claims that these wines are better because they originated from an approved viticultural area. Any commercial advantage gained can only be substantiated by consumer acceptance of "Cole Ranch."

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that, if promulgated as a final rule, it would not have a significant impact on a substantial number of small entities. The requirements in 5 U.S.C. 603 and 604 for a final regulatory flexibility analysis, therefore, do not apply to this final rule.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection Viticultural areas, Wine.

Drafting Information

The principal authors of this final rule are Joan Deerwester, Armida N. Stickney, and Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Other personnel in offices of ATF and the Department of the Treasury participated in the development of this final rule, both as to matters of substance and style.

Authority and Issuance

This Treasury decision (final rule) is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

Accordingly, 27 CFR Part 9 is amended by adopting, subject to minor editorial changes, the amendatory language proposed in Notice No. 400 in the **Federal Register** on December 4, 1981, (46 FR 59273) which reads as follows.

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9 Subpart C, is amended by adding § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

9.42 Cole Ranch.

* * * * *

2. Subpart C is amended by adding § 9.42 to read as follows:

§ 9.42 Cole Ranch.

(a) *Name.* The name of the viticultural area described in this section is "Cole Ranch."

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is the U.S.G.S. map entitled "Elledge Peak Quadrangle California—Mendocino County," 7.5 minute series (topographic), 1958.

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in Mendocino County California and are as follows:

(1) The point of beginning is the intersection of the 1480-foot-elevation contour line with the Boonville-Ukiah Cutoff Road near the southest coner of section 13;

(2) The Boundary follows the 1480-foot-elevation contour line southerly, then easterly, within section 24, then easterly and northwesterly within section 19 to its first intersection with this section line. The boundary proceeds due west on the north section line of section 19 until it intersects with the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road northwesterly to the point of beginning.

Signed: March 21, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations)

[FR Doc. 83-10111 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-129; Reference Notice 415]

North Fork of Roanoke Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of Roanoke." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of North Fork of Roanoke as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR

Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

MJC Vineyard in Blacksburg, Virginia, petitioned ATF to establish a viticultural area to be named "North Fork of Roanoke."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 415, in the **Federal Register** on July 27, 1982 (47 FR 32448), proposing the establishment of the North Fork of Roanoke viticultural area.

Historical and Current Evidence of the Name

The name of the area, North Fork of the Roanoke, is taken from the river which runs through the viticultural area. The petitioner submitted evidence to show the name has its origin back to the early settlers and that the name North Fork of Roanoke is established today as a recreation area. The petitioner and other commenters requested the name be shortened to North Fork of Roanoke.

Geographical Features

The petitioner established that the viticultural area is well defined geographically because the North Fork of the Roanoke River flows southwesterly for ½ its length, then reverses its direction around Pearis Mountain and flows northeasterly an additional 10 miles to form the main body of the Roanoke River. The viticultural area is bounded on the west by the Alleghany Mountain ridges of the Eastern Continental Divide, on the south by the Pedler Hills, and on the north and east by the Pearis and Ft. Lewis Mountains.

The petitioner submitted data to distinguish the features of the viticultural area from surrounding areas as follows:

(a) *Elevation*—The valley floor of the North Fork begins in Roanoke County at an elevation of 1800 feet. As the river flows through Montgomery County it falls 600 feet before reentering Roanoke County to form the main body of the Roanoke River. Both the Pearis and Ft. Lewis Mountains overlook the North Fork. These rise to elevations of 3100 feet. The viticulturally significant part however, is an uneven but frost free area between 1700 and 2100 feet of elevation on the southeast facing slopes of the Continental Divide and lower fringe of the north facing slopes of Pearis Mountain.

(b) *Soil*—The viticulturally productive slopes are principally made up of Frederick and Poplimento soils with limestone characteristics of the southeast facing slopes and limestone/sandstone layers characteristic of the north facing slopes. The soil in the viticultural area is significantly different than that found in the surrounding hills and ridges. On the north and west are the Alleghany ridges and the Jefferson National Forest which are largely unsuited for agriculture.

(c) *Climate*—The micro climate for grape production in the viticultural area is excellent due largely to the protection the valley derives from its location between two high ranging, parallel and northwest facing mountain ridges. The mountains protect the valley and its southeast facing slopes from destructive storms and limit excessive rainfall in the growing season. The average rainfall in the viticultural area is 39.5 inches as contrasted with 44 inches and more annually in the western mountains. Air and soil drainage on the slopes are good. Prevailing westerlies wash out potentially troubling pollutants and keep vine diseases to a minimum. An early morning fog from the North Fork characteristically cools the vines in the summer. Despite variations in elevation, the growing season in the North Fork is relatively constant averaging 170 days with a heat summation of about 2800 degree days between the 28 degrees F Spring and Fall frosts. Winters are mild with temperatures below −5 degrees F occuring only every 12 to 15 years with a 150 year record low of −16 degrees F in 1977. Summer highs rarely exceed 90 degrees F and the pattern of warm days and cool nights is conducive to wine grape quality.

Comments

The only comments received during the comment period were from the petitioner, a professor from Virginia Polytechnic Institute in Blacksburg, Virginia, and a vineyard owner in the petitioned for area. All three strongly supported establishing the North Fork of the Roanoke viticultural area described in the notice of proposed rulemaking published in the **Federal Register** on July 27, 1982.

In the notice of proposed rulemaking the question of reducing the size of the proposed North Fork of the Roanoke viticultural area was raised since the area is 22 miles long with only 49 acres of grapes on five vineyards. The commenters opposed reducing the size of the viticultural area because potential sites for grape production are scattered throughout the 22 mile long valley and an estimated 1200 acres could be developed utilizing 15 to 20 acres vineyard sites. The commenters also pointed out that reducing the size of the valley would cause a problem in distinguishing a viticultural area from surrounding areas since the valley as a whole is clearly distinguishable.

The notice of proposed rulemaking also asked for more information regarding the viticultural area name. The commenters stated that the name "North Fork of Roanoke" would be preferred because it is simpler and shorter.

Because of comments, the petitioned-for boundaries are approved without change and the name of the viticultural area will be "North Fork of Roanoke."

Miscellaneous

ATF does not wish to give the impression by approving North Fork of Roanoke viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of North Fork of Roanoke wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have

a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of §9.65 as follows:

SUBPART C—Approved American Viticultural Areas

Sec.

* * * * *

9.65 North Fork of Roanoke.

Paragraph 2. Subpart C is amended by adding § 9.65 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.65 North Fork of Roanoke.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of Roanoke."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of Roanoke viticultural area are 7.5 minute series 1965 U.S.G.S. Virginia maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia. The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass) to the intersection of U.S. 460 east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 38 at State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek) 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: March 18, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-10110 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-132; Reference Notice No. 435]

Santa Ynez Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Santa Barbara County, California known as "Santa Ynez Valley." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines come from, and will help consumers to identify the wine they purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Firestone Vineyard, a bonded winery in Los Olivos, to establish a viticultural area in Santa Barbara County, California, to be known as "Santa Ynez Valley." This viticultural area is a valley contered around the Santa Ynez River, and contains a total of 285 square miles with 1,200 acres of vineyards. In response to this petition, ATF published a notice of proposed rulemaking, No. 435, in the **Federal Register** on November 24, 1982 [47 FR 53048] proposing the establishment of the Santa Ynez Valley viticultural area.

Supporting Evidence

The following evidence was presented in the petition to support the proposed viticultural area.

Name. The name "Santa Ynez" was given to the mission established in 1804 by the first European settlers in the valley. This mission was dedicated to Saint Agnes, and Santa Ynez was the name applied to the town, river, and valley.

Viticultural history. Grape-growing and winemaking were extensive in Santa Barbara County prior to Prohibition. The Santa Ynez Valley itself contained over 5,000 acres of vineyards. However, Prohibition ended the industry in the valley, and vineyards were not replanted after Repeal.

In 1969, the first commercial vineyards since Prohibition were planted just east of Solvang. Additional acreage was planted during the next decade, especially 1972-1973, by winemakers attracted to the climate of the valley, and its remoteness from urban encroachment. Today there are over 20 vineyards encompassing 1,200 acres within the viticultural area, and eight bonded wineries have been established. Major grape varietals include Cabernet Sauvignon, Riesling, Chardonnay, Merlot, Sauvignon Blanc, Gewurztraminer, and Pinot Noir. Commercial production of Santa Ynez Valley wines began in the mid 1970's, and the Santa Ynez Valley, California appellation currently appears on may labels of wines from the region.

Geographical features. Topography and geography distinguish the Santa Ynez Valley viticultural area from surrounding areas. The valley itself surrounds the Santa Ynez River and is defined by mountains to the north and south, by Lake Cachuma and the Los Padres National Forest to the east, and by a series of low hills to the west.

To the north, the Purisima Hills rise from 1,200 to 1,700 feet in elevation, and separate the Santa Ynez Valley from the Los Alamos Valley. Similarly, the San Rafael Mountains separate the valley from the Santa Maria Valley, previously approved as an American viticultural area. These mountains generally range in elevation from 1,400 to 2,600 feet.

The Santa Ynez Mountains on the south separate the Santa Ynez Valley from the Pacific Ocean; these mountains range in elevation from 800 to 2,500 feet. To the west, the Santa Ynez Valley narrows, and the Santa Rita Hills separate it from the Lompoc Valley.

Within the Santa Ynez Valley, the Santa Ynez River flows west, descending in elevation from 750 feet at Lake Cachuma to approximately 125 feet at the extreme western end. Vineyards within the valley range in elevation from 200 to 400 feet for those planted in proximity to the Santa Ynez River, to 1,300–1,500 feet in elevation for vineyards planted in the foothills of the San Rafael Mountains. Around Los Olivos, vineyards range between 650 feet and 900 feet in elevation, those around Santa Ynez are between 500 and 600 feet in elevation, while vineyards planted near Buellton range from 300 to 600 feet in elevation.

Climate. The Santa Ynez Valley is a cool Region II on the scale developed by Winkler and Amerine of the University of California to measure degree days. Solving in the center of the valley registers an average of 2680 degree days. This contrasts with 1970 degree days (Region I) in nearby Lompoc, and with 2820 degree days for Santa Barbara, south of the Santa Ynez Mountains. Within the Santa Ynez Valley, summertime temperatures increase from west to east following the Santa Ynez River upstream.

The Santa Rita Hills to the west block the colder ocean air, prevalent at Lompoc, from entering the Santa Ynez Valley and act to moderate the valley's climate. To the east, the boundary of the viticultural area is drawn along recognizable map features which approximately delineate the cooler temperatures of the Santa Ynez Valley from warmer temperatures further inland.

Rainfall averages 16 inches within the Santa Ynez Valley although it is variable from year to year. Fog also plays an important factor in the climate of the viticultural area by keeping the valley cool and moist during the growing season. Fog is present to elevations of 1,000 to 1,200 feet in the valley and nearly all vineyards are influenced by it.

Soils. Northern Santa Barbara County contains 14 major soil associations, but the Santa Ynez Valley contains only 7 major associations. Vineyard plantings are confined almost entirely to 3 of these soil associations.

The Positas-Ballard-Santa Ynez association consists of well-drained fine sandy loams to clay loams. These soils occur on level to moderately steep slopes in the upper Santa Ynez Valley at elevations of 500 to 1,000 feet.

Another association, the Chamise-Arnold-Crow Hill association, consists of well-drained to excessively well-drained sand loams and clay loams. These soils are found on gentle to very steep slopes on high terraces and uplands. Elevations range from 200 to 1,500 feet.

The Shedd-Santa Lucia-Diablo association consists of steep, well-drained shaly clay loams and silty clay loams. These soils occur on uplands from 200 to 3,000 feet in elevation.

A few vineyards are planted in the Sorrento-Mocho-Camarillo soil association. These soils are nearly level and consist of well-drained to somewhat poorly-drained sandy loams and silty clay loams. They are found on the flood plains and alluvial fans along the Santa Ynez River.

Boundaries. The boundaries of the Santa Ynez Valley viticultural area consist of many land grant and section boundaries. In most cases, these boundaries closely approximate ridgelines, but have been used because they are more easily described on U.S.G.S. maps. The boundaries are fully described in the regulatory text of § 9.54.

Discussion of Comments

In Notice No. 435, ATF requested public comments on the proposed viticultural area. ATF noted that the area, as proposed, contains about 285 square miles, but only 1,200 acres of vineyards, and requested ways in which the proposed area could be reduced in size.

Five comments were received from Santa Barbara County wineries, farms, and consumers. All of these comments favored establishing the Santa Ynez viticultural area as proposed without any reduction in size.

One respondent noted that it would be inappropriate to reduce the area in size since "there are producing vineyards in the furthest extremities of the proposed area." Therefore, reduction in size would necessarily exclude some vineyards from the viticultural area. Another respondent stated that the proposed viticultural area is consistent with the definition of a delimited grape-growing region, and that the proposed area already represents only about one third of the actual Santa Ynez Valley. Finally, another respondent pointed out that if the area were reduced in size, it would prompt the establishment of adjacent viticultural areas which would only mislead or confuse the consumer.

On the basis of all evidence presented with the petition and in written comments, ATF has concluded the boundaries should be adopted as proposed, and the viticultural area should include the entire petitioned for 285 square miles.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This rule allows the petitioner and other persons to use an appellation of origin, "Santa Ynez Valley," on wine labels

and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.54. As amended, the table of sections reads as follows:

Sec.

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *

9.54 Santa Ynez Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.54 which reads as follows:

§ 9.54 Santa Ynez Valley.

(a) *Name.* The name of the viticultural area described in this section is "Santa Ynez Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Santa Ynez Valley viticultural area are 12 U.S.G.S. quadrangle maps. They are entitled:

(1) "Figueroa Mountain, Cal.", 7.5 minute series, edition of 1959;

(2) "Foxen Canyon, Cal.", 7.5 minute series, edition of 1964;

(3) "Lake Cachuma, Cal.", 7.5 minute series, edition of 1959;

(4) "Lompoc, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(5) "Lompoc Hills, Cal.", 7.5 minute series, edition of 1959;

(6) "Los Alamos, Cal.", 7.5 minute series, edition of 1959;

(7) "Los Olivos, Cal.", 7.5 minute series, edition of 1959 (photoinspected 1974);

(8) "Santa Rosa Hills, Cal.", 7.5 minute series, edition of 1959;

(9) "Santa Ynez, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(10) "Solvang, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(11) "Zaca Creek, Cal.", 7.5 minute series, edition of 1959; and

(12) "Zaca Lake, Cal.", 7.5 minute series, edition of 1964.

(c) *Boundaries.* The Santa Ynez Valley viticultural area is located within Santa Barbara County, California. The beginning point is found on the "Los Alamos, California" U.S.G.S. map where California Highway 246 (indicated as Highway 150 on the Los Alamos map) intersects with the 120°22'30" longitude line.

(1) Then north following the 120°22'30" longitude line to Cebada Canyon Road.

(2) Then northeast following Cebada Canyon Road and an unnamed jeep trail to the northern boundary of Section 9, T. 7 N., R. 33 W.

(3) Then east following the northern boundaries of Sections 9, 10, 11, 12, 7, and 8 to the northeast corner of Section 8, T. 7 N., R. 33 W.

(4) Then south following the eastern boundaries of Sections 8 and 17 to the intersection with the boundary dividing the La Laguna and San Carlos de Jonata Land Grants.

(5) Then east following the boundary between the La Laguna and the San Carlos de Jonata Land Grants to the intersection with Canada de Santa Ynez.

(6) Then northeast in a straight line for approximately 3.6 miles to Benchmark 947 at U.S. Highway 101.

(7) Then northeast in a straight line for approximately 2.6 miles to the southwest corner of the La Zaca Land Grant.

(8) Then following the boundary of the La Zaca Land Grant north, then east to its northeast corner.

(9) Then east in a straight line for approximately 2.0 miles to the point of intersection of the La Laguna and Sisquoc Land Grants with the Los Padres National Forest.

(10) Then following the boundary of the Los Padres National Forest south, east, and south until it intersects with the eastern boundary of Section 29, T. 7 N., R. 29 W.

(11) Then south following the eastern boundaries of Sections 29, 32, 5, 8, and 17 to the boundary of the Cachuma Recreation Area at Bitt Benchmark 1074.

(12) Then following the boundary of the Cachuma Recreation Area west and south to the point of intersection with the Los Padres National Forest.

(13) Then south and west following the boundary of the Los Padres National Forest to its intersection with the Las Cruces Land Grant at the southwest corner of Section 12, T. 5 N., R. 32 W.

(14) Then north following the boundary of the Las Cruces Land Grant to the southeast corner of Section 26, T. 6 N., R. 32 W.

(15) Then west following the southern boundaries of Sections 26, 27, 28, and 29 to the intersection with the northern boundary of the San Julian Land Grant at the southwestern corner of Section 29, T. 6 N., R. 32 W.

(16) Then northwest following the boundary of the San Julian Land Grant to its intersection with the 120° 22'30" longitude line.

(17) Then northwest in a straight line for approximately 3.2 miles to the point where Santa Rosa Road intersects Salsipuedes Creek.

(18) Then following Salsipuedes Creek downstream to the point of confluence with the Santa Ynez River.

(19) Then northeast in a straight line for approximately 1.4 miles to an unnamed hill, elevation 597 feet.

(20) Then northeast in a straight line for approximately 1.7 miles to the point of beginning.

Signed: March 24, 1983.

W. T. Drake,
Acting Director.

Approved: April 4, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations)

[FR Doc. 83-10113 Filed 4-14-83; 8:45 am]
BILLING CODE 4810-31-M

Office of the Secretary

31 CFR Part 3

Legal Review of Certain Small Tort Claims

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: Under the existing regulations governing claims against the Department of the Treasury under the Federal Tort Claims Act, all claims must be forwarded to the legal division of the bureau or office out of whose activities the claim arose. This final rule amends 31 CFR 3.3 such that legal review of certain claims for less than $500 will not be mandatory.

The Treasury Department has determined that certain small tort claims do not merit the time and expense of legal review. By eliminating the requirement of legal review of certain small tort claims, Treasury Department attorneys will be able to spend more time on significant tasks, and thus a more efficient allocation of employee efforts will be realized.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Jordan Luke, Assistant General Counsel (Enforcement & Operations), Room 2310, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220 (202/566-5404)

SUPPLEMENTARY INFORMATION:

This final rule would eliminate the requirement of legal review of certain tort claims under $500. Each bureau or office of the Treasury Department will retain the right to subject all tort claims to legal review. Thus, this rule is optional; it is intended only for those bureaus or offices that determine that legal review of certain small tort claims is not necessary.

Under this rule, each bureau or office may elect to process tort claims for less than $500 without legal review, if such claims do not involve personal injuries or automobile damage, or do not arise out of an incident that is likely to result in multiple claims or claimants.

Authority

This final rule is promulgated under the authority of 28 U.S.C. 2672.

Executive Order 12291

This final rule is not subject to the provisions of Executive Order 12291 because the rule is related to agency organization, management or personnel.

Regulatory Flexibility Act

This rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because no notice of proposed rulemaking is required under 5 U.S.C. 553. A notice of proposed rulemaking is not required because this rule addresses rules of agency procedure: The processing of certain small tort claims.

Drafting Information

The principal author of this document was Ramon Estrada, Office of the General Counsel, Department of the Treasury. However, other Treasury personnel participated in its development.

List of Subjects in 31 CFR Part 3

Claims, Federal tort claims; Claims regulations.

Promulgation of Regulations

Part 3, Treasury Regulations (31 CFR Part 3) is amended as set forth.

Dated: April 1, 1983.

Margery Waxman,

Acting General Counsel.

PART 3—CLAIMS REGULATIONS

* * * * *

Subpart A—Claims Under the Federal Tort Claims Act

* * * * *

The first sentence of § 3.3 is revised to read as follows:

§ 3.3 Legal review.

Any claim that exceeds $500, involves personal injuries or automobile damage, or arises out of an incident that is likely to result in multiple claimants, shall be forwarded to the legal division of the bureau or office out of whose activities the claim arose. * * *

[FR Doc. 83-10109 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-4-FRL 2347-2]

Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: On December 23, 1982, the State of Mississippi requested a delegation of authority for the implementation and enforcement of several additional categories of New Source Performance Standards.

EPA's review of Mississippi's laws, rules, and regulations shows them to be adequate for the implementation and enforcement of these Federal standards, and the Agency has made the delegations as requested.

EFFECTIVE DATE: The effective date of the delegations of authority to Mississippi is March 25, 1983.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection at EPA's Region IV Office, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV office, but should instead be submitted to the following address: Mr. Dwight Wylie, Chief, Air Quality Control, Bureau of Pollution Control, P.O. Box 10385, Jackson, Mississippi 39209.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, 404-881-3286.

SUPPLEMENTARY INFORMATION: Sections 101, 110, and 111 of the Clean Air Act authorize the Administrator to delegate his authority to implement and enforce the National Standards of Performance for New Stationary Sources (NSPS) to any State which has submitted adequate implementation and enforcement procedures.

On November 30, 1981, EPA delegated to the State of Mississippi the authority to implement the Standards of Performance for New Stationary Sources (NSPS). On December 23, 1982, Mississippi requested that EPA delegate the authority for the NSPS categories that had been promulgated subsequent to the original delegation of November 30, 1981:

1. *Lead Acid Battery Manufacture, 40 CFR, Part 60, Subpart KK,* as promulgated on April 16, 1982.
2. *Phosphate Rock Operations, 40 CFR, Part 60, Subpart NN,* as promulgated on April 16, 1982.
3. *Asphalt Processing and Asphalt Roofing Manufacture, 40 CFR, Part 60, Subpart UU,* as promulgated on August 6, 1982.
4. *Industrial Surface Coating, Large Appliances, 40 CFR, Part 60, Subpart SS,* as promulgated on October 27, 1982.
5. *Surface Coating-Metal Furniture, 40 CFR, Part 60, Subpart EE,* as promulgated on October 29, 1982.
6. *Metal Coil Surface Coating, 40 CFR, Part 60, Subpart TT,* as promulgated on November 1, 1982.

Action. I reviewed all of the pertinent Mississippi laws, rules, and regulations and found them to be adequate for the implementation and enforcement of

these categories of NSPS. I therefore delegated to the State of Mississippi my authority for the source categories listed above on March 25, 1983.

The Office of Management and Budget has exempted this delegation from the requirements of Section 3 of Executive Order 12291.

This notice is issued under the authority of Sections 101, 110, and 111 and of the Clean Air Act, as amended (42 U.S.C 7401, 7410, 7411, and 7601).

Dated: April 4, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-10071 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2653/R548; PH-FRL 2348-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cyano(3-Phenoxyphenyl) Methyl 4-Chloro-Alpha-(1-Methylethyl) Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha- (1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers. The regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: April 15, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of March 16, 1983 (48 FR 11132) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 2E2653 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Massachusetts, Maryland, New Jersey and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers at 1.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 6, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.379 is amended by adding and alphabetically inserting the raw agricultural commodities eggplant and peppers to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Eggplant	1.0
* * * * *	
Peppers	1.0
* * * * *	

[FR Doc. 83-10266 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 69]

Patents; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes revised guidance regarding the rights of the Government and its contractors in patents under research and development contracts. The basis for this temporary regulation is President Reagan's February 18, 1983, Memorandum on Government Patent Policy. The intended effect is to extend in principle the current implementation of Public Law 96-517 beyond small businesses and non-profit organizations.

DATES:

Effective date: April 5, 1983, but may be observed earlier.

Expiration date: April 5, 1985.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations (VR), Office of Acquisition Policy, (202-523-4755).

SUPPLEMENTARY INFORMATION:

a. On February 18, 1983, President Reagan issued a Memorandum to the Heads of Executive Departments and Agencies that established a new Government Patent Policy. The new policy replaces the 1971 Presidential Patent Policy Statement that formed the basis for the patent rights clauses of the Federal Procurement Regulations (FPR) in section 1-9.107. Accordingly, interim instructions are necessary pending a full modification of FPR sections 1-9.107-1 through 1-9.107-6.

b. The primary thrust of President Reagan's Memorandum is that, to the extent permitted by law, agency patent policy concerning the disposition of rights to inventions made under federally funded research and development contracts, grants, and cooperative agreements shall be the

same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the U.S. Code (Pub. L. 96–517). As a result, the new Patent Policy Memorandum provides recipients of Government contracts, grants, and cooperative agreements for the performance of research and development activities with a first option to retain title to inventions made under such arrangements, except in those situations provided for in 35 U.S.C. 202(a).

c. The Presidential Memorandum also provides that where an agency makes certain determinations, the rights of the Government or obligations of the recipient of the research and development contract, grant, or cooperative agreement, set forth in 35 U.S.C. 202–204, may be waived or omitted. These interim instructions do not specifically implement this provision of the Presidential Memorandum inasmuch as implementation should be undertaken through the normal FPR deviation procedures.

In 41 CFR Chapter 1, FPR Temporary Regulation is added to the Appendix at the end of the chapter.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: April 5, 1983.

Ray Kline,

Acting Administrator of General Services.

Federal Procurement Regulations Temporary Regulation 69

April 5, 1983.

To: Heads of Federal Agencies

Subject: Patents

1. *Purpose.* This temporary regulation implements President Reagan's February 18, 1983, Memorandum on Government Patent Policy.

2. *Effective date.* This regulation is effective April 5, 1983, but may be observed earlier.

3. *Expiration date.* This regulation expires April 5, 1985.

4. *Background.*

a. On February 18, 1983, President Reagan issued a Memorandum to the Heads of Executive Departments and Agencies that established a new Government Patent Policy.[1] The new policy replaces the 1971 Presidential Patent Policy Statement that formed the basis for the patent rights clauses of the Federal Procurement Regulations (FPR) in section 1–9.107. Accordingly, interim instructions are necessary pending a full modification of FPR sections 1–9.107–1 through 1–9.107–6.

b. The primary thrust of President Regan's Memorandum is that, to the extent permitted by law, agency patent policy concerning the disposition of rights to inventions made under federally funded research and development contracts, grants, and cooperative agreements shall be the same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the U.S. Code (P. L. 96–517). As a result, the new Patent Policy Memorandum provides recipients of Government contracts, grants, and cooperative agreements for the performance of research and development activities with a first option to retain title to inventions made under such arrangements, except in those situations provided for in 35 U.S.C. 202(a).

c. The Presidential Memorandum also provides that where an agency makes certain determinations, the rights of the Government or obligations of the recipient of the research and devlopment contract, grant, or cooperative agreement, set forth in 35 U.S.C. 202–204, may be waived or omitted. These interim instructions do not specifically implement this provision of the Presidential Memorandum inasmuch as implementation should be undertaken through the normal FPR deviation procedures.

5. *Explanation of changes.* The policies and procedures in Subpart 1–9.1 are modified by the instructions in this temporary regulation.

a. The patent rights clause in contracts with small business firms and nonprofit organizations shall be in accordance with OMB Circular A–124.

b. Each contract with other than a small business firm or nonprofit organization that has as a purpose the performance of experimental, developmental, or research work, and is to be performed in the United States, its possessions, or Puerto Rico, shall contain the patent rights clause at FPR § 1–9.107–5(b) unless it is determined in accordance with paragraph c.(1) of this regulation that the patent rights clause of § 1–9.107–5(a) is appropriate, with both clauses modified in accordance with paragraph 5.(e) of this regulation.

c. (1) A contract, with other than a small business firm or nonprofit organization, may contain the patent rights clause at FPR § 1–9.107–5(a):

(a) when the contract is for the operation of a Government-owned research or production facility; or

(b) in exceptional circumstances when it is determined by the Agency that restriction or elimination of the contractor's right to retain title will better promote the policy and objectives of the Presidential Memorandum of Government Patent Policy of February 18, 1983; or

(c) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the contractor's right to retain title is necessary to protect the security of such activities.

(2) When it is determined in accordance with paragraph 7(a) of OMB Circular A–124 that alternative provisions are appropriate in a contract with a small business firm or nonprofit organization, the patent rights clause at FPR § 1–9.107–5(a) may be used in the contract.

d. For arrangements other than contracts, such as grants and cooperative agreements, with other than small business firms or nonprofit organizations, it is recommended that the patent rights clause of OMB Circular A–124 or FPR § 1–9.107–5(b), as appropriate, be used in cooperative agreements.

e. In using the clause at either FPR § 1–9.107–5(b) or § 1–9.107–5(a), the following modifications are to be made:

(1) To ensure proper flow-down of the applicable patent rights clause, subparagraph (i)(2) should be rewritten as follows:

"(2) Unless otherwise authorized or directed by the Government Contracting Officer in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work, the Contractor shall include this patent rights clause modified to identify the parties in a subcontract with other than a small business firm or nonprofit organization; or the patent rights clause of OMB Circular A–124 modified to identify the parties in any subcontract with a small business firm or nonprofit organization. In event of refusal by a subcontractor to accept the proffered clause, the Contractor:"

(2) The following should be substituted for subparagraph (c)(i):

"(1) Hereby grants to the Government a nonexclusive, nontransferrable, paid-up license to make, use, and sell each subject invention throughout the world by or on behalf of the Government of the United States."

6. *Comments invited.* Agencies and interested parties are invited to comment on this regulation during the 30 day period following publication in the Federal Register. Consideration will be given to the comments in the preparation of a permanent amendment of the FPR. Comments should be forwarded to Philip G. Read, General Services Administration (VR), Washington, D.C. 20405.

February 10, 1982.

Circular No. A–124

Note.—OMB Circular A–124 was originally published in the **Federal Register** of February 19, 1982 at 47 FR 75560.

To the Heads of Executive Departments and Establishments

Subject: Patents—Small Business Firms and Nonprofit Organizations

1. *Purpose.* This Circular provides policies, procedures, and guidelines with respect to inventions made by small business firms and nonprofit organizations, including universities, under funding agreements with Federal agencies where a purpose is to perform experimental, developmental, or research work.

2. *Rescissions.* This Circular supersedes OMB Bulletin 81–22 effective March 1, 1982.

3. *Authority.* This Circular is issued pursuant to the authority contained in 35 U.S.C. § 206 (§ 6 of P.L. 96–517, "The Patent and Trademark Amendments of 1980").

4. *Background.* After many years of public debate on means to enhance the utilization of the results of Government funded research, Public Law 96–517 was enacted. This Act gives non-profit organizations and small businesses, with limited exceptions, a first right of refusal to title in inventions they have made in performance of Government grants and contracts. The Act takes precedence over

[1] See the weekly compilation of Presidential Documents, Vol. 19, No. 7, p. 252.

approximately 26 conflicting statutory and administrative policies.

Under the Act, the Office of Federal Procurement Policy (OFPP) is responsible for the issuance of the regulations implementing 35 U.S.C. § 202–204 after consultation with the Office of Science and Technology Policy (OSTP). On July 2, 1981, OMB Bulletin 81–22 was issued to provide interim regulations while agency and public comments were sought. Based on a review of these comments, this Circular is issued to establish permanent implementing regulations and a standard patent rights clause.

5. *Policy and Scope.* This Circular takes effect on March 1, 1982, and will be applicable to all funding agreements with small business firms and domestic nonprofit organizations executed on or after that date. This includes subcontracts at any tier made after March 1, 1982, with small business firms and nonprofit organizations even if the prime funding agreement was made prior to March 1, 1982. Unless prohibited by law, agencies are encouraged to treat subject inventions made under funding agreements made prior to July 1, 1981, in substantially the same manner as contemplated by P.L. 96–517 and this Circular for inventions made under funding agreements entered into subsequent to July 1, 1981. This can be accomplished through the granting of waivers of title on terms and conditions substantially similar to those set forth in the standard clause of Attachment A.

Agencies should be alert to determining whether amendments made after March 1, 1982, to funding agreements entered into prior to July 1, 1981, result in new funding agreements subject to this Circular and the Act. Renewals and continuations after March 1, 1982, of funding agreements entered into prior to July 1, 1981, should be normally treated as new funding agreements.

This Circular is intended to establish uniform and coordinated implementation of 35 U.S.C. § 200–206 so as to foster the policy and objectives set forth in 35 U.S.C. § 200.

6. *Definitions.* As used in this Circular—

a. The term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement, as herein defined.

b. The term "contractor" means any person, small business firm or nonprofit organization that is a party to a funding agreement.

c. The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

d. The term "subject invention" means any invention of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

e. The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

f. The term "made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

g. The term "small business firm" means a small business concern as defined at section 2 of Public Law 85–536 (15 U.S.C. § 632) and implementing regulations of the Administrator of this Circular. the size standards for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 121.3–12, respectively, will be used.

h. The term "nonprofit organization" means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

7. *Use of the Patent Rights (Small Business Firm or Nonprofit Organization) (March 1982) Clause.*

a. Each funding agreement awarded to a small business firm or domestic nonprofit organization which has as a purpose the performance of experimental, developmental or research work shall contain the "Patent Rights (Small Business Firm or Nonprofit Organization) (March 1982)" clause set forth in Attachment A with such modifications and tailoring as may be authorized in Part 8, except that the funding agreement may contain alternative provisions—

(1) when the funding agreement is for the operation of a Government-owned research or production facility; or

(2) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code; or

(3) When it is determined by a Government authority which is authorized by statute or executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities.

b. (1) Any determination under Part 7.a.(2) of this Circular will be in writing and accompanied by a written statement of facts justifying the determination. The statement of facts will contain such information as the funding Federal agency deems relevant and, at minimum, will (i) identify the small business firm or nonprofit organization involved, (ii) describe the extent to which agency action restricted or eliminated the right to retain title to a subject invention, (iii) state the facts and rationale supporting the agency action, (iv) provide supporting documentation for those facts and rationale, and (v) indicate the nature of any objections to the agency action and provide any documentation in which those objections appear. A copy of each such determination and written statement of facts will be sent to the Comptroller General of the United States within 30 days after the award of the applicable funding agreement. In cases of determinations application to small business firms, copies will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

(2) To assist the Comptroller General to accomplish his or her responsibilities under 35 U.S.C. § 202, each Federal agency that enters into any funding agreements with nonprofit organizations or small business firms during the applicable reporting period shall accumulate and, at the request of the Comptroller General, provide the Comptroller General or his or her duly authorized representative the total number of prime funding agreements entered into with small business firms or nonprofit organizations that contain the patent rights clause of Attachment A during each period of October 1 through September 30, beginning October 1, 1982.

c. (1) Agencies are advised that Part 7.a. applies to subcontracts at any tier under prime funding agreements with contractors that are other than small business firms or nonprofit organizations. Accordingly, agencies should take appropriate action to ensure that this requirement is reflected in the patent clauses of such prime funding agreements awarded after March 1, 1982.

(2) In the event an agency has outstanding prime funding agreements that do not contain patent flow-down provisions consistent with either this Circular or OMB Bulletin 81–22 (if it was applicable at the time the funding agreement was awarded), the agency shall take appropriate action to ensure that small business firms or domestic nonprofit organizations subcontractors under such prime funding agreements that received their subcontracts after July 1, 1981, will receive rights in their subject inventions that are consistent with P.L. 96–517 and this Circular. Appropriate actions might include (i) amendment of prime contracts and/or subcontracts; (ii) requiring the inclusion of the clause of Attachment A as a condition of agency approval of a subcontract; or (iii) the granting of title to the subcontractor to identified subject inventions on terms substantially the same as contained in the clause of Attachment A in the event the subcontract contains a "deferred determination" or "acquisition by the Government" type of patent rights clause.

d. To qualify for the clause of Attachment A, a prospective contractor may be required by an agency to certify that it is either a small business firm or a domestic nonprofit organization. If the agency has reason to question the status of the prospective contractor as a small business firm or domestic nonprofit organization, it may file a protest in accordance with 13 C.F.R. 121.3–5 if small business firm status is questioned or require the prospective contractor to furnish evidence to establish its status as a domestic nonprofit organization.

8. *Instructions for Modification and Tailoring of the Clause of Attachment A.*

a. Agencies should complete the blank in paragraph g.(2) of the clause of Attachment A in accordance with their own or applicable Government-wide regulations such as the FPR or DAR. The flow-down provisions of the clause cited by the agency should, of course, reflect the requirement of Part 7.c.(1).

b. Agencies should complete paragraph 1. "Communications" at the end of the clause of Attachment A by designating a central point of contact for communications on matters relating to the clause. Additional instructions on communications may also be included in paragraph 1.

c. Agencies may replace the italicized or underlined words and phrases with those appropriate to the particular funding agreement. For example *"contract"* could be replaced by "grant", *"contractor"* by "grantee", and *"Contracting officer"* by "grants officer." Depending on its use, *"Federal agency"* can be replaced either by the identification of the agency or by the specification of the particular office or official within that agency.

d. When the agency head or duly authorized designee determines at the time of contracting with a small business firm or nonprofit organization that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing treaty or agreement, a sentence may be added at the end of paragraph b. of the clause of Attachment A as follows:

"This license will include the right of the Government to sublicense foreign governments and international organizations pursuant to the following treaties or international agreements: ——; or pursuant to any future treaties or agreements with foreign governments or international organizations."

The blank in the above should be completed with the names of applicable existing treaties or international agreements. The above language is not intended to apply to treaties or agreements that are in effect on the date of the award which are not listed. The above language may be modified by agencies by deleting the reference to future treaties or agreements or by otherwise more narrowly defining classes of future treaties or agreements. The language may also be modified to make clear that the rights granted to the foreign government or international organization may be for additional rights beyond a license or sublicense if so required by the applicable treaty or international agreement. For example, in some cases exclusive licenses or even the assignment of title in the foreign country involved might be required. Agencies may also modify the language above to provide for the direct licensing by the contractor of the foreign government or international organization.

e. To the extent not required by other provisions of the funding agreement, agencies may add additional subparagraphs to paragraph (f) of the patent rights clause of Attachment A to require the contractor to do one or more of the following:

(1) Provide periodic (but no more frequently than annually) listings of all subject inventions required to be disclosed during the period covered by the report;

(2) Provide a report prior to the close-out of a funding agreement listing all subject inventions or stating that there were none;

(3) Provide notification of all subcontracts for experimental, developmental, or research work; and

(4) Provide, upon request, the filing date, serial number and title; a copy of the patent application; and patent number and issue date for any subject invention in any county in which the contractor has applied for patents.

Part 9. *Publication or Release of Invention Disclosures.*

a. 35 U.S.C. § 205 provides as follows:

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office."

b. To the extent authorized by 35 U.S.C. § 205, agencies shall not disclose to third parties pursuant to requests under the Freedom of Information Act (FOIA) any information disclosing a subject invention for a reasonable time in order for a patent application to be filed. With respect to subject inventions of contractors that are small business firms or nonprofit organizations, a reasonable time shall be the time during which an initial patent application may be filed under paragraph c. of the clause of Attachment A or such other clause that may be used in the funding agreement. However, an agency may disclose such subject inventions under the FOIA, at its discretion, after a contractor has elected not to retain title or after the time in which the contractor is required to make an election if the contractor has not made an election within that time. Similarly, an agency may honor an FOIA request at its discretion if it finds that the same information has previously been published by the inventor, contractor, or otherwise. If the agency plans to file itself when the contractor has not elected title, it may, of course, continue to avail itself of the authority of 35 U.S.C. § 205.

c. As authorized by 35 U.S.C. § 205, Federal agencies shall not release copies of any document which is part of an application for patent filed on a subject invention to which a small business firm or nonprofit organization elected to retain title.

d. A number of agencies have policies to encourage public dissemination of the results of work supported by the agency through publication in Government or other publications of technical reports of contractors or others. In recognition of the fact that such publication, if it included descriptions of a subject invention, could create bars to obtaining patent protection, it is the policy of the executive branch that agencies will not include in such publication programs, copies of disclosures of inventions submitted by small business firms or nonprofit organizations, pursuant to paragraph c. of the clause of Attachment A, except that under the same circumstances under which agencies are authorized to release such information pursuant to FOIA requests under Part 9.b. above, agencies may publish such disclosures.

e. Nothing in this Part is intended to preclude agencies from including in the publication activities described in the first sentence of Part 9.d., the publication of materials describing a subject invention to the extent such materials were provided as part of a technical report or other submission of the contractor which were submitted independently of the requirements of the patent rights provisions of the contract. However, if a small business firm or nonprofit organization notifies the agency that a particular report or other submission contains a disclosure of a subject invention to which it has elected or may elect title, the agency will use reasonable efforts to restrict its publication of the material for six months from date of its receipt of the report or submission or, if earlier, until the contractor has filed an initial patent application. Agencies, of course, retain the discretion to delay publication for additional periods of time.

f. Nothing in this Part 9 is intended to limit the authority of agencies provided in 35 U.S.C. § 205 in circumstances not specifically described in this Part 9.

10. *Reporting on Utilization of Subject Inventions.*

a. Paragraph h. of the clause of Attachment A provides that agencies have the right to receive periodic reports from the contractor on utilization of inventions. In accordance with such instructions as may be issued by the Department of Commerce, agencies shall obtain such information from their contractors. Pending such instructions, agencies should not impose reporting requirements. The Department of Commerce and the agencies, in conjunction with representatives of small business and nonprofit organizations, shall work together to establish a uniform periodic reporting system.

b. To the extent any such data or information supplied by the contractor is considered by the contractor, or its licensee or assignee, to be privileged and confidential and is so marked, agencies shall not, to the extent permitted by 35 U.S.C. § 202(c)(5), disclose such information to persons outside the Government.

11. *Retention of Rights by Inventor.* Agencies which allow an inventor to retain rights to a subject invention made under a funding agreement with a small business firm or nonprofit organization contractor, as authorized by 35 U.S.C. § 202(d), will impose upon the inventor at least those conditions that would apply to a small business firm contractor under paragraphs d. (ii) and (iii); f. (4); h.; i.; and j. of the clause of Attachment A.

12. *Government Assignment to Contractor of Rights in Invention of Government Employee.* In any case when a Federal employee is a co-inventor of any invention made under a funding agreement with a small business firm or nonprofit organization and the Federal agency employing such co-

inventor transfers or reassigns the right it has acquired in the subject invention from its employee to the contractor as authorized by 35 U.S.C. 202(e), the assignment will be made subject to the same conditions as would apply to the contractor under the clause of Attachment A.

13. *Exercise of March-in Rights.*

a. The following procedures shall govern the exercise of the march-in rights of the agencies set forth in 35 U.S.C. § 203 and the clause at Attachment A.

b. Whenever an agency receives information that it believes might warrant the exercise of march-in rights, before initiating any march-in proceeding in accordance with the procedures of Part 13.c.-h. below, it shall notify the contractor in writing of the information and request informal written or oral comments from the contractor. In the absence of any comments from the contractor within 30 days, the agency may, at its discretion, proceed with the procedures below. If a comment is received, whether or not within 30 days, then the agency shall, within 60 days after it receives the comment, either initiate the procedures below or notify the contractor, in writing, that it will not pursue march-in rights based on the information about which the contractor was notified.

c. A march-in proceeding shall be initiated by the issuance of a written notice by the agency to the contractor and its assignee or exclusive licensee, as applicable, stating that the agency is considering the exercise of march-in rights. The notice shall state the reasons for the proposed march-in in terms sufficient to put the contractor on notice of the facts upon which the action would be based and shall specify the field or fields of use in which the agency is considering requiring licensing. The notice shall advise the contractor (assignee or exclusive licensee) of its rights, as set forth in this Circular and in any supplemental agency regulations. The determination to exercise march-in rights shall be made by the head of the agency or designee, except as provided in part 13.j. below.

d. Within 30 days after receipt of the written notice of march-in, the contractor (assignee or exclusive licensee) may submit, in person, in writing, or through a representative, information or argument in opposition to the proposed march-in, including any additional specific information which raises a genuine dispute over the material facts upon which the march-in is based. If the information presented raises a genuine dispute over the material facts, the head of the agency or designee shall undertake or refer the matter to another official for fact-finding.

e. Fact-finding shall be conducted in accordance with the procedures established by the agency. Such procedures shall be as informal as practicable and be consistent with principles of fundamental fairness. The procedures should afford the contractor the opportunity to appear with counsel, submit documentary evidence, present witnesses and confront such persons as the agency may present. A transcribed record shall be made and shall be available at cost to the contractor upon request. The requirement for a transcribed record may be waived by mutual agreement of the contractor and the agency. Any portion of a fact-finding hearing that involves testimony or evidence relating to the utilization or efforts at obtaining utilization that are being made by the contractor, its assignee, or licensees shall be closed to the public, including potential licensees.

f. The official conducting the fact-finding shall prepare written findings of fact and transmit them to the head of the agency or designee promptly after the conclusion of the fact-finding proceeding. A copy of the findings of fact shall be sent to the contractor (assignee or exclusive licensee) by registered or certified mail.

g. In cases in which fact-finding has been conducted, the head of the agency or designee shall base his or her determination on the facts found, together with any other information and argument submitted by the contractor (assignee or exclusive licensee), and any other information in the administrative record. The consistency of the exercise of march-in rights with the policy and objectives of 35 U.S.C. § 200–206 and this Circular shall also be considered. In cases referred for fact-finding, the head of the agency or designee may reject only those facts that have been found that are clearly erroneous. Written notice of the determination whether march-in rights will be exercised shall be made by the head of the agency or designee and sent to the contractor (assignee or exclusive licensee) by certified or registered mail within 90 days after the completion of fact-finding or the proceedings will be deemed to have been terminated and thereafter no march-in based on the facts and reasons upon which the proceeding was initiated may be exercised.

h. An agency may, at any time, terminate a march-in proceeding if it is satisfied that it does not wish to exercise march-in rights.

i. The procedures of this Part shall also apply to the exercise of march-in rights against inventors receiving title to subject inventions under 35 U.S.C. § 202(d) and, for that purpose, the term "contractor" as used in this Part shall be deemed to include the inventor.

j. Notwithstanding the last sentence of Part 13.c., a determination to exercise march-in in cases where the subject invention was made under a contract may be made initially by the contracting officer in accordance with the procedures of the Contract Disputes Act. In such cases, the procedures of the Contract Disputes Act will apply in lieu of those in Parts 13.d.–g. above (except that the last sentence of Part 13.e. shall continue to apply). However, when the procedures of this Part 13.j. are used, the contractor, assignee, or exclusive licensee will not be required to grant a license and the Government will not grant any license until after either: (1) 90 days from the date of the contractor's receipt of the contracting officer's decision, if no appeal of the decision has been made to an agency board of contract appeals, or if no action has been brought under Section 10 of the Act within that time; or (2) the board or court, as the case may be, has made a final decision in cases when an appeal or action has been brought within 90 days of the contracting officer's decision.

k. Agencies are authorized to issue supplemental procedures, not inconsistent herewith, for the conduct of march-in proceedings.

14. *Appeals.*

a. The agency official initially authorized to take any of the following actions shall provide the contractor with a written statement of the basis for his or her action at the time the action is taken, including any relevant facts that were relied upon in taking the action:

(1) A refusal to grant an extension under paragraph c.(4) of the clause of Attachment A.

(2) A request for a conveyance of title under paragraph d. of the clause of Attachment A.

(3) A refusal to grant a waiver under paragraph i. of the clause of Attachment A.

(4) A refusal to approve an assignment under paragraph k.(1) of the clause of Attachment A.

(5) A refusal to approve an extension of the exclusive license period under paragraph k.(2) of the clause of Attachment A.

b. Each agency shall establish and publish procedures under which any of the agency actions listed in Part 14.a. above may be appealed to the head of the agency or designee. Review at this level shall consider both the factual and legal basis for the action and its consistency with the policy and objectives of 35 U.S.C. § 200–206 and this Circular.

c. Appeals procedures established under Part 14.b. above shall include administrative due process procedures and standards for fact-finding at least comparable to those set forth in Part 13.e.–g. of this Circular whenever there is a dispute as to the factual basis for an agency request for a conveyance of title under paragraph d. of the clause of Attachment A, including any dispute as to whether or not an invention is a subject invention.

d. To the extent that any of the actions described in Part 14.a. are subject to appeal under the Contracts Dispute Act, the procedures under that Act will satisfy the requirements of Parts 14.b. and c. above.

15. *Licensing of Background Patent Rights to Third Parties.*

a. A funding agreement with a small business firm or a domestic nonprofit organization will not contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the agency head and a written justification has been signed by the agency head. Any such provision will clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The agency head may not delegate the authority to approve such provisions or to sign the justification required for such provisions.

b. A Federal agency will not require the licensing of third parties under any such provision unless the agency head determines that the use of the invention by others is necessary for the practice of a subject

invention or for the use of a work object of the funding agreement and that such action is necessary to achieve practical application of the subject invention or work object. Any such determination will be on the record after an opportunity for an agency hearing, and the contractor shall be given prompt notification of the determination by certified or registered mail.

16. *Administration of Patent Rights Clause.*

a. It is important that the Government and the contractor know and exercise their rights in subject inventions in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties, and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts should be so administered that:

(1) Inventions are identified, disclosed, and an election is made as required by the contract clause;

(2) The rights of the Government in such inventions are established;

(3) When appropriate, patent applications are timely filed and prosecuted by contractors or by the Government;

(4) The rights in patent applications are documented by formal instruments such as licenses or assignments;

(5) Expeditious commercial utilization of such inventions is achieved.

b. With respect to the conveyance of license or assignments to which the Government may be entitled under the clause of Attachment A, agencies should folllow the guidance provided in 41 CFR 1–9.109–5 or 32 CFR 9–109.5.

c. In the event a subject invention is made under funding agreements of more than one agency, at the request of the contractor or on their own initiative, the agencies shall designate one agency as responsible for administration of the rights of the Government in the invention.

17. *Modification of Existing Agency Regulations.*

a. Existing agency patent regulations or other published policies concerning inventions made under funding agreements shall be modified as necessary to make them consistent with this Circular and 35 U.S.C. § 200–206. Agency regulations shall not be more restrictive or burdensome than the provisions of this Circular.

b. After March 1, 1982, this Circular and 35 U.S.C. §200–206 shall take precedence over any conflicting agency regulations or policies.

18. *Lead Agency Designation.* In order to assist the Office of Federal Procurement Policy to ensure that 35 U.S.C. § 200–206 and this Circular are implemented in a uniform and consistent manner, the following responsibilities are assigned to the Department of Commerce (hereafter referred to as "The Department"). Other agencies shall fully cooperate and assist in the carrying out of these responsibilities:

a. The Department will monitor agency regulations and procedures for consistency with the Act and this Circular, and it shall provide recommendations to OFPP and agencies whenever it finds inconsistencies.

b. The Department will consult with representatives of 19 agencies and contractors to obtain advice on—

(1) the development of the periodic reporting system required under Part 10 of this Circular, and

(2) changes in this Circular which may be needed based on actual experience under the Circular.

c. The Department will accumulate, maintain, and publish such statistics and analysis on utilization and activities under this Circular and under Government patent policies and practices generally, as may be agreed to between the Department and OFPP.

d. The Department will make recommendations to OFPP on changes that may be needed in this Circular.

19. *Sunset Review Date.* This Circular shall have a policy review no later than three years from the date of its issuance.

20. *Inquiries.* All questions or inquiries should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, telphone number (202) 395–6810.

Donald E. Sowle,

Administrator.

David A. Stockman,

Director.

Attachment A—Circular A–124

The following is the standard patent rights clausedto be used in funding agreements as provided in Part 7.

Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982)

a. *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the *Contractor* conceived or first actually reduced to practice in the performance of work under this *contract.*

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. § 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting at 13 C.F.R. 121.3–8 and 13 C.F.R. 121.3–12, respectively, will be used.

(6) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue code (26 U.S.C. § 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

b. *Allocation of Principal Rights.*

The *contractor* may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the *contractor* retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

c. *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) The *contractor* will disclose each subject invention to the *Federal agency* within two months after the inventor discloses it in writing to *contractor* personnel responsible for patent matters. The disclosure of the *agency* shall be in the form of a written report and shall identify the *contract* under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the *agency*, the *contractor* will promptly notify the *agency* of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the *contractor.*

(2) The *contractor* will elect in writing whether or not to retain title to any such invention by notifying the *Federal agency* within twelve months of disclosure to the *contractor;* provided that in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the *agency* to a date that is no more than 60 days prior to the end of the statutory period.

(3) The *contractor* will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period within valid patent protection can be obtained in the United States after a publication, on sale, or public use. The *contractor* will file patent applications in additional countries within either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the *agency*, election, and filing may, at the discretion of the *funding Federal agency*, be granted.

d. *Conditions When the Government May Obtain Title.*

(1) The *contractor* will convey to the *Federal agency*, upon written request, title to any subject invention:

(i) If the *contractor* fails to disclose or elect the subject invention within the times specified in c. above, or elects not to retain title.

(ii) In those countries in which the *contractor fails to file patent applications within the times specified in c. above; provided, however, that if the contractor* has filed a patent application in a country after the times specified in c., above, but prior to its receipt of the written request of the *Federal agency*, the *contractor* shall continue to retain title in that country.

(iii) In any country in which the *contractor* decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

e. *Minimum Rights to Contractor.*

(1) The *contractor* will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the *contractor* fails to disclose the subject invention within the times specified in c., above. The *contractor's* license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the *contractor* is a party and includes the right to grant sublicenses of the same scope to the extent the *contractor* was legally obligated to do so at the time the *contract* was awarded. The license is transferable only with the approval of the *funding Federal agency* except when transferred to the successor of that party of the *contractor's* business to which the invention pertains.

(2) The *contractor's* domestic license may be revoked or modified by the *funding Federal agency* to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the *contractor* has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the *funding Federal agency* to the extent the *contractor*, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the *funding Federal agency* will furnish the *contractor* a written notice of its intention to revoke or modify the license, and the *contractor* will be allowed thirty days (or such other time as may be authorized by the *funding Federal agency* for good cause shown by the *contractor*) after the notice to show cause why the license should not be revoked or modified. The *contractor* has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

f. *Contractor Action To Protect the Government's Interest.*

(1) The *contractor* agrees to execute or to have executed and promptly deliver to the *Federal agency* all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the *contractor* elects to retain title, and (ii) convey title to the *Federal agency* when requested under paragraph d. above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The *contractor* agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the *contractor* each subject invention made under contract in order that the *contractor* can comply with the disclosure provisions of paragraph c. above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by c.(1) above. The *contractor* shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The *contractor* will notify the *Federal agency* of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The *contractor* agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by (identify the *Federal agency*). The Government has certain rights in this invention."

g. *Subcontracts.*

(1) The *contractor* will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the *contractor* in this clause, and the *contractor* will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The *contractor* will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the patent rights clause required by (*cite section of agency implementing regulations, FPR, or DAR*).

(3) In the case of subcontracts, at any tier, when the prime award with the Federal agency was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Federal agency with respect to those matters covered by this clause.

h. *Reporting on Utilization of Subject Inventions.*

The *contractor* agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the *contractor* or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the *contractor*, and such other data and information as the *agency* may reasonably specify. The *contractor* also agrees to provide additional reports as may be requested by the *agency* in connection with any march-in proceeding undertaken by the *agency* in accordance with paragraph j of this clause. To the extent data or information supplied under this section is considered by the *contractor*, its licensee or assignee to be privileged and confidential and is so marked, the *agency* agrees that, to the extent permitted by 35 USC § 202(c)(5), it will not disclose such information to persons outside the Government.

i. *Preference for United States Industry.*

Notwithstanding any other provision of this clause, the *contractor* agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the *Federal agency* upon a showing by the contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

j. *March-in Rights.*

The *contractor* agrees that with respect to any subject invention in which it has acquired title, the *Federal agency* has the right in accordance with the procedures in OMB Circular A— (and agency regulations at—) to require the *contractor*, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the *contractor* assignee, or exclusive licensee refuses such a request, the *Federal agency* has the right to grant such a license itself if the *Federal agency* determines that:

(1) Such action is necessary because the *contractor* or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the *contractor*, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the *contractor*, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph i of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

k. *Special Provisions for Contracts with Non-profit Organizations.*

If the *contractor* is a non-profit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of the *Federal agency*, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the *contractor*);

(2) The *contractor* may not grant exclusive licenses under United states patents or patent applications in subject inventions to persons other than small business firms for a period in excees of the earlier of:

(i) five years from first commercial sale or use of the invention; or

(ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention.

(3) The *contractor* will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the *contractor* with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

1. *Communications.* (Complete according to instructions at Part 8.b. of this Circular).

(End of Clause)

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41 CFR Ch. 1

[FPR Amdt. 230]

Policies To Maximize Use of Competition and Minimize the Number of Noncompetitive Procurements

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment adds policies and procedures pertaining to: (i) Procurement planning, (ii) publicizing procurement opportunities, (iii) justification of noncompetitive procurements, (iv) management controls designed to maximize the use of competitive procurement, and (v) unsolicited proposals. The new policies and procedures are based on recommendations made in General Accounting Office report B-206577 (April 7, 1982) entitled, "Less Sole-Source, More Competition Needed on Federal Civil Agencies' Contracting." The intended effect is to minimize the number of noncompetitive procurements and maximize the use of competition.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

SUPPLEMENTARY INFORMATION:

List of Subjects

41 CFR Part 1-1

Administrative practices and procedures, Environmental protection, Government procurement, Labor surplus areas, Minority businesses, Recycled material, Small business.

41 CFR Part 1-3

Cost accounting standards, Government procurement, Procurement by negotiation, Small purchases, Types of contracts.

41 CFR Part 1-4

ADP equipment, Architect-Engineer services, Computer technology, Government procurement, Unsolicited proposals, Utilities.

PART 1-1—GENERAL

The table of contents for Part 1-1 is amended to add one entry under Subpart 1-1.3 and revise one entry under Subpart 1-1.10 as follows:

1-1.342 Advance procurement planning systems and procedures.

1-1.1003-3 Synopses of special notices used in connection with market searches for competitive sources.

Subpart 1-1.3—General Policies

Section 1-1.342 is added to read as follows:

§ 1-1.342 Advance procurement planning systems and procedures.

(a) The head of each executive agency shall establish advance procurement planning systems and procedures that include:

(1) Procurement procedures providing lead time and cut-off dates for preparing solicitations, obtaining and evaluating bids or proposals, making preaward surveys, performing contract audits, negotiating, and making contract awards in an orderly manner;

(2) Procedures for developing, monitoring, and updating advance procurement plans; and

(3) Review procedures for last-quarter spending.

(b) A prime objective of these procedures shall be to ensure that the efforts of all personnel responsible for the procurement of property and services are coordinated as early as practicable to obtain required items of requisite quality, on time, and at the lowest price. Consistent with that objective is the responsibility to eliminate inefficiencies normally associated with hurried or unnecessary end-of-year procurements and to award contracts on a competitive basis as required by applicable laws and regulations.

Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1001 is revised to read as follows:

§ 1-1.1001 General policy.

(a) Proposed procurements shall be publicized as prescribed in this Subpart 1-1.10 to increase competition, thus assisting small business and labor surplus area concerns and broadening participation in Government procurement programs. In addition, market searches for competitive sources shall be publicized when required by this Subpart and § 1-3.107(b) for the purpose of enhancing competition and reducing the number of noncompetitive procurements.

(b) Refer to § 1-4.1109-6 for the policy relating to publicizing the intent to place orders against ADP schedule contracts and the actions required following the synopsis.

2. Section 1–1.1003–2 is amended to revise paragraph (a)(5) to read as follows:

§ 1–1.1003–2 General requirements.

(a) * * *

(5) Procurements that are made by an order placed under an existing contract except as provided in § 1–4.1109–6 with respect to nonmandatory ADP Schedule contracts;

* * * * *

3. Section 1–1.1003–3 is revised to read as follows:

§ 1–1.1003–3 Synopses of special notices used in connection with market searches for competitive sources.

(a) *General.* The term "sources-sought synopsis" means the type of Commerce Business Daily (CBD) notice designed to identify potential sources for procurements (e.g. §§ 1–1.1003–7(b)(7) and (b)(12)). The sources-sought synopsis provides an opportunity for the marketplace to indicate its interest in submitting bids, offers, proposals, or quotations for a future procurement. It is normally used to discover if more than one firm is interested and qualified to provide a particular product, service, or research capability, although a solicitation is not yet available. This type of synopsis has particular application when one contractor is thought to be uniquely capable of meeting the Government's minimum requirements and verification of this opinion is needed. The requirements for use of the sources-sought synopsis are set forth in the following paragraphs of this section and in § 1–3.107(b).

(b) *Research and development.* Sources-sought or advance notices publicizing the Government's interest in a given field of research and development may be published in the CBD, using the general format outlined in § 1–1.1003–7(b)(7), except where security considerations prohibit such publication. Sources-sought notices are required under specific circumstances set forth in § 1–3.107(b)(2) when noncompetitive procurements are anticipated. Such notices will enable potential sources to learn of research and development programs and provide these sources with an adequate opportunity to submit information that will permit evaluation of their research and development capabilites. Each subsequent specific procurement of research and development shall be publicized in the CBD as required by § 1–1.1003–2 unless: (1) One of the exceptions stated therein is applicable, or (2) a sources-sought or advance notice had been published in the CBD and such notice was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and provided for them to request solicitations for the procurement. (Refer to § 1–3.107(b)(4) for a description of that notice when a noncompetitive procurement has been approved and a particular concern is considered to be a sole source.)

(c) *Property and services.* Sources-sought notices publicizing the Government's interest in anticipated property or service procurements may be published in the CBD, using the general format outlined in § 1–1.003–7(b)(12), except where security considerations prohibit such publication. A sources-sought synopsis must be published in connection with market searches for sources of property or services, other than those discussed in paragraphs (b), (d) and (e) of this section, when in accordance with the provisions of §1–3.107(b), agencies are required to use a sources-sought synopsis to test the marketplace for competitive sources. If one or more potential contractors are identified as a result of such a market search, they shall be solicited. In conjunction with that solicitation, the specific procurement of the property or service shall be publicized in the CBD as required by § 1–1.1003–2 unless: (1) one of the exceptions stated therein is applicable, or (2) a sources-sought synopsis had been published in the CBD, and such notice was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and was provided for them to request solicitations for the procurement. (Refer to § 1–3.107(b)(4) for a description of that notice when a noncompetitive procurement has been approved and a particular concern is considered to be a sole source.) No potential contractor shall be disqualified as nonresponsible unless the procedures for determining responsibility set forth in § 1–1.1205 have been followed.

(d) *Architect-engineer and related services with fees over $10,000.* For each contract for which the fee is expected to exceed $10,000, a notice of intention to contract for architect-engineer services shall be published in the Synopsis. The notice shall be prepared in accordance with § 1–1.1003–7(b)(9) and shall solicit submission of Standard Form 254, Architect-Engineer and Related Services Questionnaire, and, when applicable, Standard Form 255, Architect-Engineer and Related Services Questionnaire for Specific Project, from those persons or firms that are eligible for consideration, but do not have current data on file with the procuring agency or office. The notice will be published sufficiently in advance to afford architect-engineer firms an adequate opportunity to submit to the procurement office a statement of qualifications and performance data applicable to the expected requirements of that procurement office. Synopses of contract awards shall be in accordance with § 1–1.1004.

(e) *Architect-engineer and related services with fees $10,000 and under.* Agencies may employ the procedures in paragraph (d) of this section. Alternatively, however, agencies may publicize each contract estimated to be $10,000 and under only in the area where the project is to be performed. Copies of the announcement shall be publicly displayed at the procuring office and appear in at least one daily newspaper circulated in the local area. Professional societies in the area of project consideration should also be notified in writing.

4. Section 1–1.1003–7 is amended to revise paragraph (b)(7), reserve paragraphs (b)(10) and (b)(11), and add a new paragraph (b)(12) as follows:

§ 1–1.1003–7 Preparation and transmittal.

* * * * *

(b) * * *

(7) *Research and development item.* Sources-sought notices described in § 1–1.1003–3(b) that publicize the Government's interest in a given field of research and development and invite the submission of information as to research and development capabilities, shall be headed "Research and Development Sources Sought." This heading shall be followed by a statement similar to the following (modifications may be made to suit agency needs):

"Concerns having research and development capabilities in the field of (Be specific), ——— and whose facilities and personnel include (Describe in substantial detail minimum facilities and personnel required) ——— are invited to submit complete information to the procuring office listed in this notice within —— calendar days from the date of this notice (no less than 20 days should be entered). Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a formal solicitation. However, concerns that respond may request to receive a copy of a particular solicitation when it becomes available. This notice may represent the only official notice of such a solicitation."

* * * * *

(10) [Reserved]

(11) [Reserved]

(12) *Property or service item.* Notices described in § 1-1.1003-3(c) as sources-sought synopses shall be headed, "Property Sources Sought" or "Service Sources Sought." This shall be followed by a statement similar to the following (modifications may be made to suit agency needs):

"Concerns having the ability to furnish the following property (services) are requested to give written notification (including the telephone number for a point of contact) to the procuring office listed in this notice within —— calendar days (no less than 20 days should be entered) from the date of this synopsis:

(Describe the requirement so as to furnish a complete property (service) description, and a condensation of other essential information, to provide concerns with an intelligible basis for judging whether they have an interest in the procurement. Such information may include a statement regarding the Government's belief that the property or service may be available only from a sole source and the reasons for such belief.)

This is not a formal solicitation. However, concerns that respond should furnish detailed data concerning their capabilities and may request to receive a copy of the solicitation when it becomes available. This notice may represent the only official notice of such a solicitation."

PART 1-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1-3 is amended to add two entries under Subpart 1-3.1 as follows:

Sec.

1-3.107 Justification of noncompetitive procurements.
1-3.108 Management controls designed to maximize the use of competitive procurement.

Subpart 1-3.1—Use of Negotiation

1. Section 1-3.107 is added to read as follows:

§ 1-3.107 Justification of noncompetitive procurements.

(a) *Circumstances permitting noncompetitive procurements.* While competition must be obtained on negotiated procurements to the maximum practicable extent in accordance with § 1-3.101, there are several circumstances under which noncompetitive procurements may be justified. These circumstances are as follows:

(1) The agency is authorized or required by statute to award a contract to a specified source; e.g., awards to the Blind or other Severely Handicapped, Prison Industries, and the SBA under section 8(a) of the Small Business Act. Contracting officers are cautioned that 41 U.S.C. 252(c)(10) (see § 1-3.210) does not constitute such statutory authority. The latter cite merely provides authority to use negotiation procedures instead of formal advertising when the agency is faced with a sole source of supply situation.

(2) The Government's need for a product or service is so urgent that there is not enough time to obtain competition; i.e., a serious emergency will not permit the delay inherent in obtaining competition and the agency finds that only one known source can meet the Government's needs within the required time. However, urgency in itself does not necessarily justify a noncompetitive procurement decision unless fully supported by the facts of the procurement situation. A search for other sources, to the extent reasonable in the circumstances, shall be conducted (see paragraph (b) of this section).

(3) The data, such as drawings or other specifications needed for competition, are not available to the Government and there are no alternative ways of obtaining competition, such as redescribing the requirement in terms of function or performance required (see paragraph (d) of § 1-3.101 for agencies' responsibility to foster competitive conditions on subsequent procurements).

(4) There is one source that, because of unique capabilities, is the only one capable of meeting the Government's minimum requirements. The term "minimum requirements" is a limitation referring to only those features that are essential to meeting the Government's need. (See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement.)

(5) An award must be directed to one source because the head of the agency has determined that disclosure of the property or service to be obtained to more than one source would jeopardize the national security. It should be recognized, however, that § 1-3.212 authorizes the negotiation of purchases and contracts "for property or services as to which the agency head determines that the character, ingredients, or components thereof are such that the purchase or contract should not be publicly disclosed." Accordingly, the use of a noncompetitive procurement should be based on the most persuasive reasons.

(6) An award must be directed to a specified source because the agency head has determined that it is in the public interest to procure technical equipment or parts that require standardization and interchangeability in special situations or particular localities; and there is a reasonable basis for concluding that (i) only one source can provide such standardization and interchangeability and (ii) it is neither practical nor economical to establish more than one source. This circumstance shall not be cited for initial procurement of equipment and spare parts that ultimately will be standardized or for the arbitrary selection of the equipment of certain suppliers. (Refer to § 1-3.213 for a complete discussion of the stringent standards that must be met for this circumstance, which is both a circumstance permitting noncompetitive procurement when standardized equipment or interchangeable parts are available from only one source and a circumstance permitting negotiation. Also see paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement. The intent is that a market search be undertaken before the standardization determination is made by the agency head.)

(7) An award must be directed to a specified source because only one source can satisfy the Government's legitimate need for an item compatible with existing equipment. However, if other sources are able to modify or adjust their products to produce acceptable items, they shall be given an opportunity to compete. See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement.

(8) A follow-on award must be directed to a specified source because it is not feasible to obtain competition for follow-on procurements. In such a case, it must be demonstrated that a noncompetitive award is necessary to avoid (i) duplications of cost to the Government for the property or service being procured (i.e. a substantial investment of some kind would have to be duplicated at Government expense by another source entering the field and the magnitude of this investment is so large that it would not be possible to overcome its effect through the use of competition), or (ii) unacceptable delays in accomplishing the agency's mission objectives. However, follow-on contract should not be awarded noncompetitively merely because of:

(A) The prior experience of the incumbent, if the incumbent is not uniquely capable of meeting the Government's minimum requirements;

(B) The agency's desire to avoid administrative inconvenience, including

the costs and effort associated with using the competitive process; or

(C) The fact that the Government will incur costs by changing contractors. (See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement. If the source was previously selected on a noncompetitive basis, a complete justification pursuant to paragraph (c) of this section shall be included in the contract file supporting the basic noncompetitive procurement as well as the instant procurement.)

(b) *Market search for competitive sources.* (1) As used herein, the term market search refers to attempts to ascertain whether other qualified sources capable of satisfying the Government's requirement exist. This testing of the marketplace may range from written or telephone contacts with knowledgeable Federal and non-Federal experts regarding similar or duplicate requirements, and the results of any market test recently undertaken, to the more formal sources-sought announcements in pertinent publications (e.g., technical/scientific journals, or the Commerce Business Daily).

(2) A market search for competitive sources shall be undertaken before a written noncompetitive procurement justification (see paragraph (c) of this section) may be approved on the basis of the circumstances permitting noncompetitive procurements cited in paragraphs (a)(4), (a)(6), (a)(7), and (a)(8) of this section, and before a justification citing paragraph (a)(2) when the degree of urgency is not so acute as to preclude some time for a market search. The extent of the search shall depend on what is reasonable in the circumstances to ensure that competition is not feasible. However, except as provided in paragraph (b)(3) of this section, a sources-sought synopsis [see §§ 1-1.1003-3 (b) and (c)] must be published in the Commerce Business Daily (CBD) to identify interested concerns before the circumstances cited in paragraphs (a)(4) and (a)(7) of this section may be used to justify a noncompetitive procurement over $10,000. Other reasonable steps, such as (i) contacting potentially capable firms, trade associations, and local businesses, (ii) consulting contractor directories, and (iii) contacting the Small Business Administration, should also be undertaken when appropriate. If only one source is identified as a result of the market search, this fact may be used to support a noncompetitive procurement justification as discussed in paragraph (c) of this section.

(3) When procurement solicitations are published in the CBD in accordance with the requirements of § 1-1.1003-2 and only one response is received, this fact may be used to support a noncompetitive procurement justification in lieu of the sources-sought synopsis discussed in paragraph (b)(2) of this section.

(4) Even though a noncompetitive procurement justification (see paragraph (c) of this section) is approved, and a sources-sought synopsis was published in accordance with paragraph (b)(2) of this section, the procurement action shall be published in the CBD pursuant to § 1-1.1003-2 in accordance with the publicizing requirements in 15 U.S.C. 637(e), *unless* the sources-sought synopsis was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and provided for them to request solicitations for the procurement. This will permit potential sources to identify themselves as required by the statute. The second CBD notice, if it is required, may state that a particular concern is considered to be a sole source and that the agency proposes to negotiate a contract with the concern on that basis. However, should additional sources submit offers before the closing date, they will be considered. This synopsizing requirement does not apply to an agency's intent to negotiate an unsolicited proposal on a noncompetitive basis in accordance with § 1-4.910 if a public solicitation would violate the prohibitions against disclosure of unsolicited contractor data that are set forth in § 1-4.911.

(c) *Written noncompetitive procurements justification.* A written noncompetitive procurement justification that documents the facts and circumstances substantiating the infeasibility of competition is required for each noncompetitive procurement over $10,000, except those involving orders under existing contracts (FPMR § 101-26.4 and FPR § 1-4.1109-6 are applicable to orders under GSA Schedule contracts), or modifications within the current scope of work and existing terms and conditions. This justification shall:

(1) Identify the problem, mission deficiency, or need that the procurement is intended to satisfy;

(2) Provide the facts supporting citation of one or more of the circumstances set forth in paragraph (a) of this section that permit use of a noncompetitive procurement;

(3) Demonstrate how the agency knows that the contractor is the only one that can meet the Government's minimum requirements. This justification requirement applies whenever the circumstances set forth in paragraphs (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8), of this section are cited. Refer to the topics of review responsibility in § 1-3.108(e) to ensure that the justification is adequately documented;

(4) Describe the market search that was conducted if required by § 1-3.107(b), including whether a sources-sought synopsis or advance notice inviting competition was publicized in the Commerce Business Daily;

(5) Describe the reasons why a market search could not be undertaken in connection with an unsolicited proposal (see § 1-4.910(b)); and

(6) Be reviewed at a level higher than the contracting officer in accordance with § 1-3.101(d) and agency procedures. (Also see § 1-3.108(e).)

2. Section 1-3.108 is added to read as follows:

§ 1-3.108 Management controls designed to maximize the use of competitive procurement.

Agencies shall install management procedures or controls to ensure compliance with the requirements of §§ 1-3.101 and 1-3.107. Following is a list of techniques that are recommended for use in measuring organizational accountability for obtaining competition and promoting the use of competition:

(a) The Federal Procurement Data System should be used by agencies participating in it as a tool for tracking and measuring the progress of efforts undertaken to increase competition by agencies, components, and purchasing offices (see paragraphs (b) through (e) of this section). The approach used should emphasize the:

(1) Periodic analyses of the system's data on noncompetitive awards by such categories as purchasing office and product or service code;

(2) Pinpointing of areas having the greatest opportunity for increasing competition by identifying areas having a high incidence of noncompetitive procurements; and

(3) Measuring of incremental yearly progress.

(b) Agency heads should communicate a strong commitment to competition to personnel throughout their agencies. To this end, agency officials should be directed to use the competitive process, unless the Government would be injured by doing so and they demonstrate that competition is not feasible (see § 1-3.107). Responsibility should be placed on program, technical, and procurement

officials heading the various offices for making a good faith effort to maximize the use of competition.

(c) Procurement training provided to agency technical, program, and procurement personnel should emphasize the avoidance of noncompetitive awards and techniques designed to achieve this objective.

(d) Especially in potential sole source situations, agency requesting officials should be required to notify procurement offices as soon as requirements become known to maximize the time available for conducting the market search for potential sources and obtaining competition.

(e) Agencies should ensure that the required reviews of noncompetitive procurement decisions are effectively made (see §§ 1-3.101(d) and 1-3.107(c)(6)). The adequacy of the documentation of noncompetitive procurement justifications is of particular importance and should be emphasized in all procurement reviews. As each justification for noncompetitive procurement is reviewed, the reviewer should ascertain and evaluate:

(1) The reasons why the procurement cannot be competed;

(2) The adequacy of the grounds for excluding all other actual or potential offerors;

(3) Any further action that can be taken to obtain competition in the instant procurement; and

(4) Any action that is needed to avoid the need for a subsequent or a continued noncompetitive procurement.

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1-4.9—Unsolicited Proposals

1. Section 1-4.910 is amended to revise paragraphs (b) and (c) and add paragraph (d) to read as follows:

§ 1-4.910 Method of procurement.

* * * * *

(b) If it can be accomplished without violating the prohibitions of § 1-4.911, a market search shall be undertaken in accordance with § 1-3.107(b) to assist in determining whether the substance of the proposal is available to the Government without restriction from another source. If the market search discloses that competition is feasible, offerors shall be provided a solicitation document stating the Government's minimum requirements as well as evaluation criteria, but not the particular ideas, proprietary information, or solution contained in the unsolicited proposal. If a market search would violate § 1-4.911, an explanation shall be set forth in the noncompetitive procurement justification pursuant to § 1-3.107(c)(5), and it shall not be undertaken.

(c) Unless a competitive procurement is otherwise appropriate, a negotiated noncompetitive procurement emanating from an unsolicited proposal is permissible if (1) the market search, when undertaken in accordance with paragraph (b) of this section, discloses no potential competitors; (2) the unsolicited proposal receives a favorable technical evaluation (see § 1-4.909(d)); and (3) a written noncompetitive procurement justification is prepared and reviewed when required by § 1-3.107(c). Based on a comprehensive evaluation of the proposal, the technical office shall provide the facts and circumstances that preclude competition and that support a recommended noncompetitive action, as well as other data required by § 1-3.107(c).

(d) When it is determined that the subject matter of an unsolicited proposal is acceptable for award on a noncompetitive basis, the unsolicited proposal will serve as the basis for negotiation.

2. Section 1-4.911 is revised to read as follows:

§ 1-4.911 Prohibitions.

(a) Agencies shall not permit all or any part of an unsolicited proposal to be used as the basis, or as a portion, of a solicitation, or in negotiation with other firms unless the offeror is notified of and agrees to the intended use. However, nothing herein precludes the Government from using any data, concept, or idea that it could have used had the unsolicited proposal not been submitted. With respect to data (see § 1-4.913(a)) tendered in an unsolicited proposal, disclosure of information, which concerns or relates to trade secrets, processes, operations, style of work, or apparatus, and other matters, may result in the imposition of a criminal penalty under the provisions of 18 U.S.C. 1905.

(b) It is not the intent of these regulations to disclose the originality of thought and the creativity and innovativeness of a proposed approach contained in an unsolicited proposal in market searches undertaken pursuant to § 1-4.910(b). Especially in the area of scientific research, it may be the proposer's definition of a problem and the proposer's recommended approach to a solution that is of interest to the Government which up to that time may have been unable to define the problem, develop a requirement, and solicit the marketplace for solutions. The aforementioned attributes of an unsolicited proposal are a part of the ideas, proprietary information, or solutions that § 1-4.910(b) prohibits the Government from disclosing in attempts to achieve competition. Unless a market search for competitive sources can be undertaken without disclosing such data, it shall not be performed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: April 7, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-10135 Filed 4-14-83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

41 CFR Parts 3-1 and 3-7

Indian Preference in Employment, Training, and Subcontracting Opportunities

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending the Department's procurement regulations by adding a new section and two contract clauses on Indian preference.

The new section and contract clauses implement section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2205; 25 U.S.C. 450e(b)).

Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that any contract, subcontract, grant, or subgrant awarded pursuant to the Act, the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible: (1) Preferences and opportunities for training and employment in connection with the administration of the contracts or grants be given to Indians, and (2) Preference in the award of subcontracts and subgrants in connection with the administration of the contracts or grants be given to Indian organizations and Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (Pub. L. 93-262; 88 Stat. 77; 25 U.S.C. 1452).

Section 3-1.360, Indian preference in employment, training, and subcontracting opportunities, implements section 7(b) and provides direction for applying the Indian

Preference clause (§ 3–7.5015) and the Indian Preference Program clause (§ 3–7.5016). It also provides definitions of pertinent terms and instructions on compliance enforcement and Indian tribal preference requirements.

The Indian Preference and Indian Preference Program clauses stipulate the responsibilities of contractors regarding the employment and training of Indians and the award of subcontracts to Indians and Indian organizations.

Section 3–1.360 and the clauses parallel the comparable issuance published by the Department of Interior, wherever feasible and practical, to promote uniformity and consistency of application. The comparable Department of Interior procurement regulations, §§ 14–1.354 Indian preference in employment, training and subcontracting opportunities, 14–7.5002 Indian preference, and 14–7.5003 Indian preference program were published on October 31, 1979 (44 FR 62513).

EFFECTIVE DATE: The amendment is effective April 15, 1983.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Division of Procurement Policy, OPAP–OPAL–OASMB–OS, Department of Health and Human Services, Room 539H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201 (202–245–8791).

SUPPLEMENTARY INFORMATION: On October 20, 1981, the proposed rule concerning Indian preference was published in the **Federal Register** (46 FR 51410) and invited public comments by December 21, 1981. Ten responses were received from the public and several others were received from activities within the Department.

Several respondents commented that the scope of the Department's implementation of section 7(b) applies to only federally recognized Indian Tribes and organizations and should be expanded to include non-federally recognized Indian groups and organizations.

Implementation of section 7(b) should not apply to non-federally recognized Indian groups and organizations because it is the intent of Pub. L. 93–638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), particularly sections 4 and 7 of it (25 U.S.C. 450 b. and 25 U.S.C. 450 e., respectively), and other "Indian" laws cited in Pub. L. 93–638, to apply only to Indian Tribes and organizations recognized by the Federal Government.

One respondent recommended the deletion of the word "specifically" in § 3–1.360(b)(1) (i) and (ii), stating that inclusion of the word in both places was assuming too restrictive an approach in implementing section 7(b).

The word "specifically" accurately connotes the intent of section 7(b) and is consistent with the Department of Interior's regulations implementing section 7(b) (Title 41, CFR Chapter 14, § 14–1.354 (b)(1) (ii) and (iii)).

Several respondents offered comments regarding § 3–1.360(b)(2) concerning the dollar thresholds and application of the Indian Preference Program contract clause. One respondent recommended that the dollar thresholds for applicability of the Indian Preference Program clause for both construction and nonconstruction work be lowered to $25,000. Another respondent recommended the dollar threshold for use of that clause for construction work be raised to $500,000. The same respondent also recommended that the dollar thresholds required for use of the Indian Preference Program clause also be applied to the Indian Preference clause referenced in § 3–1.360(b)(1), and that the contracting officer's discretionary authority to apply the Indian Preference Program clause, regardless of the dollar threshold of the proposed solicitation and resultant contract stated under § 3–1.360(b)(2), be deleted.

Section 7(b) requires application of Indian preference "* * * to the greatest extent feasible." We have strived to balance the potential for accomplishing section 7(b)'s purpose against the administrative burdens of contracting.

We concluded that there would be few subcontracting opportunities and the requirements of the clause would be overly burdensome for contracts below the cited thresholds. The thresholds cited were deemed to be fair, realistic and the generally minimum levels practical. However, the regulation recognizes that in a particular circumstance(s) contracts for an amount less than the threshold might present opportunities for Indian employment, training and subcontracting. Accordingly, the regulation provides contracting officers with discretionary authority to use the clause even if the estimated amount of the contract is less than the threshold. The Department believes that its approach in allowing discretionary authority is consistent with section 7(b), i.e., to promote preferences and opportunities whenever the circumstances indicate that they exist.

Similarly, we concluded that a $500,000 threshold for construction work would be excessive and would result in the loss of legitimate Indian preference opportunities, if adopted. On the other hand, thresholds are inappropriate and unnecessary for the Indian Preference clause. The practical limitations and burdens that exist in the application of the Indian Preference Program clause do not exist here. The clause requires a contractor to put forth its best efforts to employ Indians and Indian organizations and does not impose undue burden.

A respondent recommended deletion of the second sentence under (1) of § 3–1.360(d) *Compliance enforcement*, stating that the Federal Government should assume complete responsibility for any compliance reviews. The sentence states that the "reviews may be conducted with the assistance of the Indian Tribe(s) concerned."

Apparently, the respondent has assumed that the Government's authority may be compromised if Indian Tribes are allowed to participate in the compliance reviews. This is not the case. The Government retains complete authority and is to exercise it in accordance with the terms of the contract. The sentence was added to afford the Indian Tribe(s) an opportunity to see first-hand what results the requirements of the contract clauses are producing since the Tribe will have many interests in the performance and outcome of the contract. Again, we believe this is within the intent of the legislation. It is also consistent with the policy stated in the comparable paragraph of the Department of the Interior's regulations.

Several respondents objected to either the implication or manner of expression of the phrase "* * * and must not hinder the Government's right to award contracts and to administer their provisions" in the second sentence of § 3–1.360(e)(2) *Tribal preference requirements.*

The sentence has been changed to incorporate the language recommended by one of the respondents. The passage now reads "* * * and must not conflict with any Federal statutory or regulatory requirement concerning the award and administration of contracts." The same language has been substituted in paragraph (c) of the Indian Preference Program clause.

The Department has also made two changes to § 3–1.360 based on comments received from activities within the Department. Section 3–1.360(b) Applicability has been rewritten to clarify when and by whom the contract clauses are to be used. Under item (1) of § 3–1.360(e) *Tribal preference requirements*, the third sentence has been amended to remove the requirement that supplemental tribal

preferences be approved by the Department's Office of Procurement Policy.

In regard to the two contract clauses, Indian Preference and Indian Preference Program, the ten percent differential for Indian responsive bids or acceptable proposals for subcontracts under the contract has been eliminated. Numerous respondents, both within and outside the Department, offered comments concerning the application of the ten percent differential. As a result, the Department has reconsidered its position and is removing all references to the differential primarily because it could serve as a deterrent to the competitive procurement process and would likely create overwhelming administrative burdens for the Government and the contractor.

In addressing the Indian Preference clause (§ 3–7.5015), one respondent recommended deletion of the second sentence of paragraph (a) of the clause stating that the hiring of Indians who are not fully qualified to perform the work would be counterproductive and possible safety hazards.

It is the intent of section 7(b) to promote the employment and training of Indians to allow those not fully qualified for a specific job to be trained on the job and become fully qualified. In situations where a contractor can show that the employment of a certain individual in a particular position would be counterproductive or a safety hazard regardless of the training or opportunities offered, the contractor has the right to deny employment. No change has been made in the regulation.

The same respondent also objected to paragraph (f) that requires inclusion of the Indian Preference clause in all subcontracts awarded at any tier under the contract. The respondent recommended that only first tier subcontractors be affected.

The Department considered this issue when drafting the proposed rule and determined that it was intent of section 7(b) to have all subcontracts, regardless of tier, to be subject to the Indian Preference clause requirements.

Several respondents offered comments on the Indian Preference Program clause (§ 3–7.5016). One respondent indicated that, under paragraph (a)(3) of the clause, the requirement that the contractor notify the Indian Tribe not less than twenty calendar days prior to commencement of work did not offer sufficient leadtime for a Tribe to do the necessary planning and recruiting. The respondent recommended this action take place not more then twenty calendar days after the award of the contract. The Department agrees and has made the necessary change.

A respondent indicated that Indian-owned economic enterprises must learn to compete not only with each other but with the larger economic environment and, hence, recommended deletion of the second sentence in paragraph (a)(4) of the clause, modification of the sixth sentence, and deletion of the seventh, eighth, and ninth sentences.

The recommended changes proposed by the respondent would negate section 7(b) which requires that preference in the award of subcontracts be given to Indian organizations and Indian-owned economic enterprises. Therefore, the changes were not incorporated into the final regulation.

Another respondent also offered comments on paragraph (a)(4), recommended deletion of that paragraph, and proposed that the Department adopt an approach similar to the subcontracting program requirements of Pub. L. 95–507, which amended the Small Business Act. The respondent recommended that the Department require offerors (bidders) to submit as part of the proposal (bid) a subcontracting plan indicating maximum utilization of Indian organizations and Indian-owned economic enterprises as subcontractors or suppliers under the contract or be found non-responsive if no subcontracting plan or an inadequate plan is submitted. The respondent indicated that contractors are not complying with the subcontracting requirements of the present clause (as implemented by the Department of Interior), and stated the subcontracting plan approach would simplify administration and compliance aspects of the clause.

The Department believes the approach recommended by the respondent is innovative, but believes the present wording and method of paragraph (a)(4) is more comprehensive and will be less burdensome to prospective offerors or bidders. Paragraph (a)(4) is clear that the contractor must establish a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises. It requires that specific actions be performed by the contractor and contracting officer, pertinent information be furnished to Indian firms by the contractor explaining subcontracting opportunities, close coordination be established between the contractor and the Indian Tribe(s) on or near whose reservation the work is to be preformed and public announcement of subcontracting opportunities be made. The respondent's proposed revision of paragraph (a)(4) provides for none of these features. Further, by requiring inclusion of the clause in the solicitation, the prospective contractor is made fully aware of its responsibilities during the bid or proposal preparation stage and is on notice that it must establish and conduct a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises if awarded the contract. Failure by the contractor to comply with the requirements of the clause once the contract is awarded would result in action by the contracting officer to remedy the situation, including, possibly, contract termination. Finally, proper enforcement of the requirements of paragraph (a)(4) by the contracting officer will alleviate problems concerning administration and compliance.

Therefore, the proposed language in paragraph (a)(4) has been retained.

One respondent recommended deletion of most of paragraph (a)(5) of the clause to keep the record-keeping burden to reasonable proportions.

We agree that record-keeping and other administrative burdens should be kept to a minimum. However, we believe it is not unreasonable to require that a contractor maintain limited records evidencing its compliance with the provisions of the Indian Preference Program clause. However, the paragraph has been modified to delete references to personal identifiers, thus reducing the amount of information that needs to be reported.

The same respondent recommended deletion of the wording in paragraph (d), which requires inclusion of the Indian Preference Program clause in all subcontracts awarded at any tier under the contract, and recommended that only a first tier subcontractor be covered.

As indicated in a previous response, the Department determined that the intent of section 7(b) is to require all subcontracts, regardless of tier, to be subject to the requirements of the Indian Preference Program clause (and the Indian Preference clause).

Another respondent recommended that paragraph (e) of the clause be expanded to allow the contracting officer greater authority in the event of contractor noncompliance with the clause, such as being able to require the contractor to pay back or provide other forms of relief to Indians or businesses harmed by the contractor's failure to comply.

Without addressing the validity of the suggested change, the Department has modified both clauses to make it clear that the contracting officer may impose any sanctions authorized by law or by other provisions of the contract.

The Department of Health and Human Services has determined that this rule will not have a significant economic impact on a substantial number of small entities, and, therefore, does not require the preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980, Pub. L. 96–354.

The Department of Health and Human Services has determined that this rule is not a "major rule" as defined under Executive Order 12291, and hence, a regulatory impact analysis is not required.

The Department of Health and Human Services has determined that this rule does not contain collections of information subject to review by the Office of Management and Budget under the paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 41 CFR Parts 3–1 and 3–7.

Government procurement.

The provisions of this amendment are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, Title 41 CFR Chapter 3 is amended as set forth below.

Dated: April 11, 1983.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

1. Under Subpart 3–1.3, *General Policies*, of Part 3–1, *General*, § 3-1.360, *Indian preference in employment, training, and subcontracting opportunities*, is added to 41 CFR Chapter 3. In addition, the table of contents for Part 3–1 is amended to add the new section as follows:

PART 3–1—GENERAL

* * * * *

Subpart 3–1.3—General Policies

* * * * *

Sec.

3–1.360 Indian preference in employment, training, and subcontracting opportunities.

* * * * *

§ 3–1.360 Indian preference in employment, training, and subcontracting opportunities.

(a) *Statutory requirements.* Section 7(b) of the Indian Self-determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2205; 25 U.S.C. 450e(b), requires:

Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible:

(1) Preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) Preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

(b) *Applicability.* The Indian Preference clause set forth in § 3–7.5015 and the Indian Preference Program clause set forth in § 3–7.5016 have been developed to implement section 7(b) of Pub. L. 93–638 for all activities of the Department. The clauses shall be used by any affected departmental procuring activity as follows, except solicitations issued and contracts awarded pursuant to Title I of Pub. L. 93–638 (25 U.S.C. 450 et seq.) are exempted:

(1) The Indian Preference clause (§ 3–7.5015) shall be included in each solicitation and resultant contract, regardless of dollar amount:

(i) When the contract is to be awarded pursuant to an act specifically authorizing contracts with Indian organizations; or

(ii) Where the work to be performed under the contract is specifically for the benefit of Indians and is in addition to any incidental benefits which might otherwise accrue to the general public.

(2) The Indian Preference Program clause (§ 3–7.5016) shall be included in each solicitation and resultant contract when:

(i) The dollar amount of the procurement is expected to equal or exceed $50,000 for nonconstruction work or $100,000 for construction work;

(ii) The Indian Preference clause is to be included in the solicitation and resultant contract; and

(iii) The determination is made, prior to solicitation, that the work to be performed under the resultant contract will take place in whole or in substantial part on or near an Indian reservation(s). In addition, the Indian Preference Program clause may be included in any solicitation and resultant contract below the $50,000 or $100,000 level for nonconstruction or construction contracts, respectively, but which meet the requirements of paragraphs (ii) and (iii) of this section and, in the opinion of the procuring activity, offer substantial opportunities for Indian employment, training, and subcontracting.

(c) *Definitions.* For purposes of this § 3–1.360, the following definitions shall apply:

(1) "Indian" means a person who is a member of an Indian Tribe. If the contractor has reason to doubt that a person seeking employment preference is an Indian, the contractor shall grant the preference but shall require the individual to provide evidence within thirty (30) days from the Tribe concerned that the person is a member of that Tribe.

(2) "Indian Tribe" means an Indian Tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) "Indian organization" means the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C 1451).

(4) "Indian-owned economic enterprise" means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active *operation* and *control.*

(5) "Indian reservation" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.).

(6) "On or near an Indian Reservation" means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably be expected to commute to and from in the course of a work day.

(d) *Compliance enforcement.* (1) The concerned procuring activity shall be responsible for conducting periodic reviews to insure contractor compliance with the requirements of the clauses set forth in §§ 3–7.5015 and 3–7.5016. These reviews may be conducted with the assistance of the Indian Tribe(s) concerned.

(2) Complaints of noncompliance with the requirements of the clauses set forth

in §§ 3–7.5015 and 3–7.5016 which are filed in writing with the procuring activity shall be promptly investigated and resolved by the contracting officer.

(e) *Tribal preference requirements.* (1) Where the work under a contract is to be performed on an Indian reservation, the procuring activity may supplement the clause set forth in § 3–7.5016 by adding specific Indian preference requirements of the Tribe on whose reservation the work is to be performed. The supplemental requirements shall be jointly developed for the contract by the procuring activity and the Tribe. Supplemental preference requirements must represent a further implementation of the requirements of section 7(b) of Public Law 93–638 and must be approved by the affected program director and approved for legal sufficiency by the Business and Administrative Law Division, OGC, or a regional attorney before being added to a solicitation and resultant contract. Any supplemental preference requirements to be added to the clause in § 3–7.5016 shall be included in the solicitation and clearly identified in order to ensure uniform understanding of the additional requirements by all prospective bidders or offerors.

(2) Nothing in these regulations shall be interpreted to preclude Tribes from independently developing and enforcing their own tribal preference requirements. Such independently developed tribal perference requirements shall not, except as provided in § 3–1.360(e)(1) above, become a requirement in contracts covered under this § 3–1.360 and must not conflict with any Federal statutory or regulatory requirement concerning the award and administration of contracts.

2. Under Part 3–7, *Contract Clauses*, Subpart 3–7.50, *Special Contract Clauses*, is amended to add §§ 3–7.5015, *Indian preference*, and 3–7.5016, *Indian preference program*. In addition the table of contents for Part 3–7 is amended to add the following:

PART 3–7—CONTRACT CLAUSES

* * * * *

Subpart 3–7.50—Special Contract Clauses

* * * * *

Sec.
3–7.5015 Indian preference.
3–7.5016 Indian preference program.

* * * * *

Subpart 3–7.50—Special Contract Clauses

§ 3–7.5015 Indian preference.

The following clause shall be used as prescribed in § 3–1.360(b)(1):

Indian Preference

(a) The Contractor agrees to give preference in employment opportunities under this contract to Indians who can perform required work, regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. To the extent feasible and consistent with the efficient performance of this contract, the Contractor further agrees to give preference in employment and training opportunities under this contract to Indians who are not fully qualified to perform regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. The Contractor also agrees to give preference to Indian organizations and Indian-owned economic enterprises in the awarding of any subcontracts to the extent feasible and consistent with the efficient performance of this contract. The Contractor shall maintain statistical records as are necessary to indicate compliance with this paragraph.

(b) In connection with the Indian employment preference requirements of this clause, the Contractor shall provide opportunities for training incident to such employment. Such training shall include on-the-job, classroom or apprenticeship training which is designed to increase the vocational effectiveness of an Indian employee.

(c) If the Contractor is unable to fill its employment and training opportunities after giving full consideration to Indians as required by this clause, those needs may be satisfied by selection of persons other than Indians in accordance with the clause of this contract entitled "Equal Opportunity."

(d) If no Indian organizations or Indian-owned economic enterprises are available under reasonable terms and conditions, including price, for awarding of subcontracts in connection with the work performed under this contract, the Contractor agrees to comply with the provisions of this contract involving utilization of small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, or labor surplus area concerns.

(e) As used in this clause:

(1) "Indian" means a person who is a member of an Indian Tribe. If the Contractor has reason to doubt that a person seeking employment preference is an Indian, the Contractor shall grant the preference but shall require the individual to provide evidence within thirty (30) days from the Tribe concerned that the person is a member of that Tribe.

(2) "Indian Tribe" means an Indian Tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) "Indian organization" means the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451); and

(4) "Indian-owned economic enterprise" means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active *operation* and *control* of the enterprise.

(f) The Contractor agrees to include the provisions of this clause, including this paragraph (f), in each subcontract awarded at any tier under this contract.

(g) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may impose any other sanctions authorized by law or by other provisions of the contract.

§ 3–7.5016 Indian preference program.

The following clause shall be used as prescribed in § 3–1.360(b)(2):

Indian Preference Program

(a) In addition to the requirements of the clause of this contract entitled "Indian Preference," the Contractor agrees to establish and conduct an Indian preference program which will expand opportunities for Indians to receive preference for employment and training in connection with the work to be performed under this contract, and which will expand the opportunities for Indian organizations and Indian-owned economic enterprises to receive a preference in the awarding of subcontracts. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) Maintain liaison with the Government and the Tribe(s) on Indian preference matters; (ii) Supervise compliance with the provisions of this clause; and (iii) Administer the Contractor's Indian preference program.

(2) Advise its recruitment sources in writing and include a statement in all

advertisements for employment that Indian applicants will be given preference in employment and training incident to such employment.

(3) Not more than twenty (20) calendar days after award of the contract, post a written notice in the Tribal office of any reservations on which or near where the work under this contract is to be performed that sets forth the Contractor's employment needs and related training opportunities. The notice shall include the approximate numbers and types of employees needed; the approximate dates of employment; the experience or special skills required for employment, if any; training opportunities available; and other pertinent information necessary to advise prospective employees of any other employment requirements. The Contractor shall also request the Tribe(s) on or near whose reservation(s) the work is to be performed to provide assistance to the Contractor in filling its employment needs and training opportunities. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to contact in regard to the posting of notices and requests for Tribal assistance.

(4) Establish and conduct a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises as subcontractors and suppliers under this contract. The Contractor shall give public notice of existing subcontracting opportunities and, to the extent feasible and consistent with the efficient performance of this contract, shall solicit bids or proposals only from Indian organizations or Indian-owned economic enterprises. The Contractor shall request assistance and information on Indian firms qualified as suppliers or subcontractors from the Tribe(s) on or near whose reservation(s) the work under the contract is to be performed. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to be contacted in regard to the request for assistance and information. Public notices and solicitations for existing subcontracting opportunities shall provide an equitable opportunity for Indian firms to submit bids or proposals by including: (i) A clear description of the supplies or services required, including quantities, specifications, and delivery schedules which facilitate the participation of Indian firms; (ii) A statement indicating that preference will be given to Indian organizations and Indian-owned economic enterprises in accordance with section 7(b) of the Pub. L. 93–638 (88 Stat. 2205; 25 U.S.C. 450e(b)); (iii) Definitions for the terms "Indian organization" and "Indian-owned economic enterprise" as prescribed under the "Indian Preference" clause of this contract; (iv) A representation to be completed by the bidder or offeror that it is an Indian organization or Indian-owned economic enterprise; and (v) A closing date for receipt of bids or proposals which provides sufficient time for preparation and submission of a bid or proposal. If after soliciting bids or proposals from Indian organizations and Indian-owned economic enterprises, no responsive bid or acceptable proposal is received, the Contractor shall comply with the requirements of paragraph (d) of the "Indian Preference" clause of this contract. If one or more responsive bids or acceptable proposals are received, award shall be made to the low responsible bidder or acceptable offeror if the price is determined to be reasonable. If the low responsive bid or acceptable proposal is determined to be unreasonable as to price, the Contractor shall attempt to negotiate a reasonable price and award a subcontract. If a reasonable price cannot be agreed upon, the Contractor shall comply with the requirements of paragraph (d) of the "Indian Preference" clause of this contract.

(5) Maintain written records under this contract which indicate: (i) The numbers of Indians seeking employment for each employment position available under this contract; (ii) The number and types of positions filled by Indians and non-Indians, and the total number of Indians employed under this contract; (iii) For those positions where there are both Indian and non-Indian applicants, and a non-Indian is selected for employment, the reason(s) why the Indian applicant was not selected; (iv) Actions taken to give preference to Indian organizations and Indian-owned economic enterprises for subcontracting opportunities which exist under this contract; (v) Reasons why preference was not given to Indian firms as subcontractors or suppliers for each requirement where it was determined by the Contractor that such preference would not be consistent with the efficient performance of the contract; and (vi) The number of Indian organizations and Indian-owned economic enterprises contacted, and the number receiving subcontract awards under this contract.

(6) Submit to the Contracting Officer for approval a quarterly report which summarizes the Contractor's Indian preference program and indicates the number and types of available positions filled by Indians and non-Indians, and the dollar amounts of all subcontracts awarded to Indian organizations and Indian-owned economic enterprises, and to all other firms.

(7) Maintain records pursuant to this clause and keep them available for review by the Government until expiration of one (1) year after final payment under this contract, or for such longer period as may be required by any other clause of this contract or by applicable law or regulation.

(b) For purposes of this clause, the following definitions of terms shall apply:

(1) The terms "Indian," "Indian Tribe," "Indian Organization," and "Indian-owned economic enterprise" are defined in the clause of this contract entitled "Indian Preference."

(2) "Indian reservation" includes Indian reservations, public domain Indian Allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.).

(3) "On or near an Indian Reservation" means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably be expected to commute to and from in the course of a work day.

(c) Nothing in the requirements of this clause shall be interpreted to preclude Indian Tribes from independently developing and enforcing their own Indian preference requirements. Such requirements must not conflict with any Federal statutory or regulatory requirement dealing with the award and administration of contracts.

(d) The Contractor agrees to include the provisions of this clause, including this paragraph (d), in each subcontract awarded at any tier under this contract and to notify the Contracting Officer of such subcontracts.

(e) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may impose any other sanctions authorized by law or by other provisions of the contract.

[FR Doc. 83-10134 Filed 4-14-83; 8:45am]
BILLING CODE 4110-12-M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Part 16-4

Procurement Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations call for the simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. The regulations will permit an assessment of the impact of benefit and rate proposals on both the Government and enrollees in a more timely and orderly fashion than is possible with the present FEHB contract negotiation cycle.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202-254-9574.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Office of Personnel Management published proposed rules in the **Federal Register** [48 FR 7460-7461, 48 FR 7478-7479] with a request for comments from interested parties before publication as final regulations. Respondents included 29 of the 132 carriers participating in the FEHB Program, one non-participating carrier, two Federal agencies, and one individual in the private sector. The responses were generally in favor of the simultaneous submission of benefit and rate proposals, but were mixed with regard to the due date of May 31. The comments focused on two primary concerns:

OPM's Discretion To Request Benefit and Rate Proposals

Several commentors felt that the Director of OPM should not be given discretion to request rate proposals because the Director's decision not to request rate proposals in a particular year could require rates that are too low or too high for the benefits, given fluctuations in inflation, utilization, and insured populations. Such concerns are unnecessary: The FEHB statute itself requires that rates "reasonably and equitably reflect the cost of the benefits provided." Any use of the discretion provided by these regulations will necessarily require preservation of the relationship between rates and benefits. Some community rated plans expressed concern that, since they meet their expenses through uniformly and equally applied community rates, the integrity of community rating could not be maintained if a plan were prevented from applying a necessary rate increase to the Federal group. Again, we would reassure the carriers that the statutory mandate that rates reflect the cost of the benefits provided will govern any use of OPM's discretion.

Date of Final Rate Submission

Carriers stated that the final rate submission date should not be moved forward from July 31 to May 31. They argue that under existing regulations carriers base rate estimates, in part, on paid claims and utilization experience from the beginning of the most recent contract year through June. Final rate proposals have been due July 31 and five or six months of experience were available to draw on for the rate estimates. Under the new regulations, approximately four months' experience (January through April) for the current contract year will be available prior to the May 31 filing date. This paid claims experience, however, would be based in part on claims for services that were incurred the previous year. Therefore, the data submitted from the previous contract year may not be representative of current utilization since it would not fully reflect the most current benefits and most recent open season enrollment changes. Due to this limited current experience, the carriers have suggested that they will be forced to build an additional margin into the proposed rates to account for unexpected increases in claims. This margin, according to the carriers, would result in higher premiums.

As we have already observed, there is a statutory relationship between premium levels and the cost of benefits provided. OPM will work within the statutory scheme. Our regulations are merely intended to enhance the fiscal integrity of the Program by providing sufficient time to analyze benefit and rate proposals to ensure that rates are adequate and acceptable to employees and the Government.

While we recognize that the claims and utilization experience cutoff date will occur two months earlier than it did under the previous regulations, the proposed rates will still be negotiated by OPM and the carrier, and the established premium rate will require OPM's consideration and final approval, as has been the procedure in the past. OPM will, as in the past, carefully evaluate proposals to ensure that the rates established are reasonable and equitable for the benefits offered, given inflation and utilization experience.

Miscellaneous Issues

One carrier recommended that an extension of the May 31 date for submission of benefit and rate proposals be applicable to all plans. It is not the intention of the regulations to extend the May 31 deadline for benefit and rate proposals on a plan-by-plan basis. In the event that the Director determines an extension for submission is in the interest of the Program, the extension would apply to all participating plans.

A concern expressed by one community rated carrier is that the change in date of submission of final rate proposals to May 31 will affect its other lines of business. Community rated plans gear some of their other contract negotiations to the FEHB Program negotiation process. Carriers that do so generally establish their per capita hospital and physician fees prior to FEHB Program negotiations and use the information in establishing their proposed rates for the FEHBP. Under the new regulations, some carriers will not have completed their negotiations with hospitals and doctors prior to May 31, so that their per capita hospital and physician fees will not be finally established. OPM recognizes that there may be conflicts experienced by some community rated carriers during this initial year of adjustment, and will take this into account in its 1984 negotiations.

One carrier commented that the term "comprehensive medical plans" was omitted from the Title 41 regulations and believed this omission results in a conflict with the regulatory provisions that currently admit only comprehensive medical plans into the Program. Since statutory provisions govern the types of plans which will be accepted into the FEHB Program at any given time, we do not agree that a conflict exists. Furthermore, omission of the term "comprehensive medical plans" from the regulations provides flexibility to OPM in the event the Program is opened to other types of plans through future legislation.

One carrier offered that issuance of the regulations would have a significant economic impact on health maintenance organizations because submission of final rate proposals on May 31 rather than July 31 "would increase the risk of rate decisions that resulted in adverse financial consequences." This assertion assumes rates submitted will be inaccurate because they are submitted earlier. While it is true that there will be less experience at the time the rates are proposed, OPM will make its evaluations and will negotiate based on all information available at the time of its decision. The new regulations begin the process at an earlier date, but they do not conclude it earlier. Consequently, there will be no impact on rates in the long run.

E.O. 12291, Federal Regulation

OMP has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations simply rearrange the timeframe in which health benefit carriers must submit information.

List of Subjects in 41 CFR Part 16-4

Government employees, Government procurement, Health insurance.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending Part 16-4 of Chapter 16, Title 41, Code of Federal Regulations, by revising §§ 16-4.152-3 and 16-4.152.4 to read as follows:

PART 16-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

* * * * *

§ 16-4.152-3 Applications to participate in the FEHB program.

By regulation (5 CFR 890.203), applications from carriers seeking participation in the FEHBP shall be submitted not later than the last day of the tenth month preceding the contract period to which they refer. Benefit and rate proposals for new plans shall be sumitted not less than seven months before the expiration of the then current contract period, unless the Director of OPM determines that a later submission date is acceptable. In its solicitation for new plans, OPM shall request detailed information of each carrier expressing interest in participating in the FEHBP. The Office of the Assistant Director for Insurance Programs shall evaluate the information received as set out in 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, and the contracting officer shall notify carriers meeting these requirements of their approval to participate in the FEHBP during the following contract period. Since each application is considered on its own merits, there is no competition between offerors as is the case in other types of procurements. OPM shall seek to complete all benefit and rate negotiations no later than three months preceding the contract year to which they apply.

§ 16-4.152-4 Proposals of existing FEHBP carriers.

Benefit and/or rate changes in health benefit plans will be considered at the discretion of OPM. If the Director of OPM determines that it is beneficial to enrollees and the FEHBP to consider health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counter-proposal or at any time propose changes on its own motion. Benefit changes and/or rate proposals, when invited by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period unless the Director of OPM determines that a later date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later then 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913; 40 U.S.C. 486(c))

[FR Doc. 83-9967 Filed 4-14-83; 8:45 am]

BILLING CODE 6325-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch.101

[FPMR Temp. Reg. D-69]

Federal Employee Parking

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation revises GSA's policies and procedures concerning Federal employee parking. The regulation was developed as part of an effort to review and streamline GSA's property management regulations. The intended effect is to lessen the burdensome layering of constraints on Federal managers caused by excessive Government regulations.

DATES: Effective date: April 15, 1983. Expiration date: January 31, 1984. Comments due by: June 14, 1983.

ADDRESS: Comments should be addressed to General Services Administration (PR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John Quigley (202-566-1875).

SUPPLEMENTARY INFORMATION: GSA, in cooperation with an interagency committee, is reviewing the Federal Property Management Regulations in an attempt to make them less burdensome on agencies. Regulations that can be changed immediately, such as the regulations on parking, will be revised, and they wil be incorporated into the permanent regulations after the review is completed. GSA expects that, as a result of the review effort, Federal managers will be better able to control and implement the programs for which they are responsible because they will have more decisionmaking freedom as restrictive regulations are relaxed.

The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Therefore, the following temporary regulation is added to the appendix at the end of Subchapter D in 41 CFR Chapter 101 to read as follows:

Federal Property Management Regulations Temporary Regulation D-69

March 28, 1983.

Federal Employee Parking

1. *Purpose.* This regulation provides revised procedures concerning Federal employee parking and supersedes the provisions of 41 CFR 101-20.111 and 101-20.117.

2. *Effective date.* The provisions of this temporary regulation are effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires on January 31, 1984.

4. *Applicability.* The provisions of this regulation apply to Government-owned and leased property under the control of the General Services Administration.

5. *Background.* The General Services Administration, in conjunction with an interagency advisory committee, is reviewing the Federal Property Management Regulations. The purpose of the review is to simplify, update, and streamline GSA's regulations. Areas selected for review include Part 101-20, Management of Buildings and Grounds. The regulations in that part concerning parking are being revised immediately to ensure adequate coverage.

GSA has attempted to resolve major concerns of agencies by involving the interagency group in the drafting process. Further improvements and suggestions can be incorporated prior to issuance of a permanent regulation.

6. *Parking facilities.*

a. Parking facilities shall be compatible with the character of neighborhoods and consistent with local planning requirements. They shall not adversely affect the use or appearance of property, and shall not create traffic hazards.

b. As necessary or upon agency request, GSA may provide for the regulation and policing of parking facilities. GSA will consult with primary occupant agencies prior to implementing procedural changes. Such regulation and policing may include:

(1) The issuance of traffic rules and regulations;

(2) The installation of signs and markings for traffic control. (Signs and markings shall be in conformance with the Manual on Uniform Traffic Control Devices published by the Department of Transportation.);

(3) The issuance of citations for parking violations; and

(4) The immobilization or removal of illegally parked vehicles.

c. When the use of parking space is controlled as in b above, all privately owned vehicles other than those authorized to use designated visitor or service areas must display a parking permit. This requirement may be waived in parking facilities where the number of available spaces regularly exceeds the demand for such spaces.

d. GSA may delegate the responsibility for management, regulation, and policing of parking facilities by agreement with occupant agencies or by contractual arrangements with lessors or parking management contractors. Where possible, existing contracts shall be amended or modified before renewal to conform with the policies of this regulation.

7. *Allocation and assignment of parking for official needs.* GSA has responsibility for ensuring the availability of parking spaces for official needs. GSA may, by mutual agreement, delegate allocation and assignment responsibilities to occupant agencies or boards, commissions, and similar groups. GSA and other agencies with assignment responsibilities shall determine the appropriate number of spaces at each facility for official purposes; such determinations will be based upon submissions of information from occupant agencies regarding their needs. Parking spaces in controlled facilities shall first be reserved for official needs, in the following order of priority:

a. At buildings containing U.S. Postal Service mailing operations, official postal vehicles.

b. Government-owned vehicles specially designed and used for criminal apprehension, firefighting, and other emergency functions.

c. Privately owned vehicles of Federal judges appointed under Article III of the Constitution and of Members of Congress. (This priority does not extend to members of their staffs.)

d. Other Government-owned and -leased vehicles, including motor pool vehicles and vehicles assigned for general use.

e. Service vehicles and vehicles of patrons and visitors. (Agencies are encouraged to provide accommodations for handicapped visitors. Accommodations for handicapped visitors shall be provided when necessitated by agency program requirements.)

8. *Allocation and assignment of employee parking spaces.*

a. Parking spaces not required for official needs may be used for employee parking.

b. GSA (or other agencies having assignment responsibilities) will determine the total number of spaces available for employee parking. Normally, a separate determination will be made for each parking facility. In major metropolitan areas, however, GSA and occupant agencies may ascertain that zonal allocations would achieve more efficient use of space or equality in the availability of parking.

c. Space available for employee parking will be allocated for occupant agency use on an equitable basis. Allocations may be made in proportion to each agency's share of building space, office space, or total employee population, as appropriate. In certain cases, GSA may allow a third party, such as a board composed of representatives of agencies sharing space, to determine proper reallocations among the agencies.

d. Agencies shall in turn assign spaces to their employees, using the following order of priority:

(1) Severely handicapped employees. Justifications based on medical opinion may be required.

(2) Executive personnel and persons who work unusual hours.

(3) Vanpool/carpool vehicles.

(4) Privately owned vehicles of occupant agency employees which are regularly used for Government business at least 12 days per month and which qualify for reimbursement of mileage and travel expenses under Government travel regulations.

(5) Other privately owned vehicles of employees, on a space-available basis. (In locations where parking allocations are made on a zonal basis, GSA and affected agencies may cooperate to issue additional rules, as appropriate.)

9. *Utilization of parking.*

a. Agencies shall develop, implement, and maintain employee carpooling/vanpooling programs and promote such programs. (Guidelines for the administration of carpooling/vanpooling programs are contained in FPMR Temporary Regulation A-21.)

b. GSA will take all feasible measures to improve the utilization of parking facilities. Such measures may include the conducting of surveys and studies, the periodic review of parking space allocations, the dissemination of parking information to agencies, the use of stack parking practices where appropriate, and the employment of parking management contractors and concessionaires.

10. *Guidelines for agency implementation.*

a. In most instances, the assignment of individual reserved spaces should be minimized; this allows the number of permits to be overallocated and results in increased efficiency.

b. In order to promote fuel conservation, reduce traffic congestion, reduce the demand for parking spaces, and reduce air pollution, agencies are encouraged to make available as many parking spaces as possible for the use of vanpools/carpools.

c. Agency procedures for the assignment of parking spaces should be maintained in writing. Provisions for reviewing assignments, enforcing compliance with regulations, and enforcing penalties for misrepresentation on applications are also recommended.

d. Occupant agencies should make every effort to schedule arrival and departure times for employees to facilitate carpooling and the use of mass transit.

e. Subject to the availability of satisfactory and secure space and facilities, agencies should reserve areas for the parking of bicycles and other two-wheeled vehicles.

f. Implementation of the provisions of this regulation may require negotiation, as appropriate, with recognized labor organizations.

11. *Definitions.*

a. "Vanpool/carpool" means a group of two or more people regularly using a motor vehicle for transportation to and from work. The number of persons in a vanpool/carpool will normally be the basis for priority of assignments.

b. "Executive" means a Government employee with management responsibilities which, in the judgment of the employing agency head or his/her designee, require preferential assignment of parking privileges.

c. "Handicapped employee" means an employee who has a severe, permanent impairment which for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment who is driven to work by another. Priority may require certification by an agency medical unit, including the Veterans Administration or the Public Health Service.

d. "Postal vehicle" means a Government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

e. "Unusual hours" means work hours that are frequently required to be varied and do not coincide with any regular work schedule. This category includes individuals who regularly or frequently work significantly more than 8 hours per day. Unusual hours does not include shift workers, those on alternate work schedules, and those granted exceptions to the normal work schedule (e.g., flex-time).

f. "Zonal allocations" means the allocation of parking spaces on the basis of zones established by GSA in conjunction with occupant agencies. In metropolitan areas where this method is used, all agencies located in a designated zone will compete for available parking in accordance with instructions issued by GSA. In establishing this procedure, GSA will consult with all affected agencies.

12. *Effect on other directives.* The provisions of §§ 101-20.111 through 101-

20.111-3 and 101-20.117 through 101-20-117-4 are superseded by this temporary regulation.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-10002 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-23-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6507]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future looses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a completed chronology of effective dates appears for each listed community.

List of Subject in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
Connecticut: New Haven	West Haven, city of	090092C	Oct. 6, 1971, emergency; Jan. 17, 1979, regular; Apr. 18, 1983, suspended.	May 31, 1974, Jan. 17, 1979	Apr. 18, 1983.
Kentucky:					
Floyd	Allen, city of	210070	Apr. 14, 1977, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Feb. 27, 1976	Do.
Do	Wayland, city of	210073B	Mar. 29, 1976, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Mar. 5, 1976, Aug. 23, 1974	Do.
Minnesota: Chisago	Unincorporated areas	270682B	Sept. 4, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Oct. 28, 1977	Do.
New Hampshire: Grafton	Groton, town of	330055A	July 16, 1975, emergency; Nov. 29, 1974, regular; Apr. 18, 1983, suspended.	Nov. 29, 1974	Do.
New Jersey:					
Monmouth	Keyport, borough of	340304C	Jan. 23, 1974, emergency; July 2, 1979, regular; Apr. 18, 1983, suspended.	Jan. 23, 1974, Feb. 6, 1976, July 2, 1979.	Do.
Bergen	Closter, borough of	340023B	June 5, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 9, 1976, Sept 6, 1976	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
Sussex	Newton, town of	340453B	Mar. 11, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, June 4, 1976	Do.
New York:					
Suffolk	Huntington Bay, village of	361543B	Jan. 14, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Dec. 12, 1980, Feb. 7, 1975	Do.
Do.	Lloyd Harbor, village of	360799C	Dec. 19, 1973, emergency; Feb. 15, 1978, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, Feb. 15, 1978, Apr. 18, 1983.	Do.
Oneida	New Hartford, town of	360535B	Aug. 22, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	May 28, 1974, Feb. 22, 1974	Do.
Suffolk	Northport, village of	360801B	Apr. 26, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, June 4, 1976	Do.
Green	Tannersville, village of	360297B	July 15, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	June 25, 1975, June 7, 1974	Do.
Pennsylvania:					
Berks	Spring, township of	421106B	Oct. 13, 1972, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Sept. 13, 1974	Do.
Do.	Wyomissing, borough of	421375A	Aug. 28, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Nov. 22, 1974	Do.
Texas: Galveston	Friendswood, city of	485468	June 5, 1970, emergency Mar. 3, 1972, regular; Apr. 18, 1983, suspended.	Dec. 19, 1975	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: April 8, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-10039 Filed 4-14-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 82-83; FCC 83-118; RM-3705; RM-3729; RM-3734; RM-3778; RM-3831; RM-3833; RM-3860]

Amateur Radio Service; Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission is authorizing the use of additional frequencies for telephony operation in the 14 MHz Amateur Radio Service band. The frequencies currently authorized for such use are, at times, extremely congested. This rule amendment will provide more frequencies for this use and thus relieve some of the congestion.

EFFECTIVE DATE: May 22, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-4964.

List of Subjects in 47 CFR Part 97

Radio.

First Report and Order

In the matter of an Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands; PR Docket No. 82-83, RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860.

Adopted: March 31, 1983.

Released: April 11, 1983.

By the Commission.

1. On February 11, 1982, the Commission adopted a Notice of Inquiry and Proposed Rule Making in the above-captioned matter.[1] That Notice was in response to seven petitions for rule making, each requesting that the Amateur Radio Service Rules (Part 97) be amended to provide for the use of telephony operation (emission types A3 and F3) on additional portions of the amateur high frequency (HF) bands—the bands between 3 and 30 MHz. In its Notice, the Commission specifically proposed to "* * * expand telephony privileges in the 14 MHz amateur band by adding the frequencies 14150–14200 kHz to those currently authorized for such use." The Commission did not propose to change any of the privileges accorded to the various operator license classes.

2. The Commission also initiated an inquiry in its Notice, seeking to gather additional information on alternative approaches to expanding frequencies for telephony use in the other HF bands and the desirability of expansion in each of the bands. The Commission stated, "* * * we are not proposing expansion of any of the other telephony subbands between 3.5 and 29.7 MHz because we feel the issues involved are too inadequately defined for us to commit ourselves to any particular course of action." Today, we are adopting a separate Further Notice of Proposed Rule Making to set forth our specific proposals for expansion in the bands other than the 14 MHz band in order to continue the dialogue on those issues.[2] The action we are taking in this First Report and Order is intended to dispose of the issues relating to expansion of the 14 MHz telephony "subband" by our promulgation of final rules for that band.

3. Several hundred comments were filed on the Commission's Notice. The vast majority of the comments received from U.S. amateur operators supported the proposal to expand the 14 MHz telephony subband and virtually all comments addressing the issue also favored deleting from General class operators the privileges between 14150 kHz and 14200 kHz, and instead substituting new privileges between 14225 kHz and 14275 kHz in order that their telephony privileges would be on contiguous frequencies. The comments were well divided, however, on the issue of whether to delete from Advanced class operators privileges on the frequencies between 14150 kHz and

[1] 47 FR 8798 (March 2, 1982).

[2] See Further Notice of Proposed Rule Making in PR Docket 82-83, FCC 83-119, 48 FR——(April ——, 1983).

14175 kHz. Many commenters stated that removing privileges from any license class would be unfair, while others pointed out that Advanced class operators, for all practical purposes, do not use these frequencies anyway. Proponents of deleting the privileges claimed that such a move would enhance the incentive licensing program since some of the new telephony frequencies would be reserved exclusively for Amateur Extra class licensees and that it would lessen the impact that expansion of the telephony subband would have on non-U.S. amateur operators.

4. The Commission also received several comments from individual amateur operators and groups of operators outside the U.S. Most of these comments came from Canada and were typified by those of the Brandon Amateur Radio Club of Manitoba. They stated, "* * * we know that here in Canada due to generally prevailing propagation conditions that the proposed expansion will render that portion of 14 MHz unusable due to the sheer numbers of American amateurs that will move into that portion of the 14 MHz band." Conversely, the comments of the Wireless Institute of Australia stated: "The Institute is persuaded that having regard to the capabilities of modern equipment, such band extension would most likely have minimal effect. The Institute therefore believes that no reason can be advanced at this time for an objection to be lodged." With respect to the potential impact of the Commission's proposal on non-U.S. amateur operators, the American Radio Relay League, Inc. (ARRL) [3] stated in its comments that the "* * * *de facto* worldwide allocation of telegraphy and telephony is in large part a result of the band plans established by the International Amateur Radio Union (IARU), the worldwide Union of national amateur radio societies * * *. The IARU band plan for the 14 MHz band, in effect in all three IARU regions, recommends use of 14.000–14.100 MHz for telegraphy only, and 14.100–14.350 MHz for telephony and telegraphy * * *. There will, after implementation of the proposed telephony subband expansion, be a 50 kHz buffer between domestic (and foreign) telegraphy operation and domestic telephony operation." The Commission is persuaded that the small potential impact of the proposed telephony subband expansion on non-U.S. operators is outweighed by the necessity to alleviate the extraordinary overcrowding that U.S. amateurs currently face in the 14 MHz band.

5. With regard to the issue of operator privileges, the ARRL in its comments proposed changes in the operator privileges such that the "* * * segment 14.150–14.175 MHz would be available for use only by Amateur Extra Class licensees, of which there were, as of May 28, 1982 only 30,121—approximately 7% of the U.S. amateur population." The segment 14.175–14.225 MHz "* * * would be available for use only by Extra and Advanced class licensees, constituting 30% of the U.S. amateur population, or 123,199 licensees." The ARRL also stated that "* * * the League agrees with the Commission that no significant detrimental impact on international operations should result from expansion of the 14 MHz telephony subband. However, the League's proposal was designed to minimize any *perceived* impact on foreign amateurs."

6. Although we are reluctant to remove privileges from any class of license, we are persuaded by the comments recommending this approach. We also believe that this approach will permit the greatest flexibility in the future after we have had an opportunity to assess the long-term impact of our immediate action. Although we are reluctant to establish a new "incentive" subband, we do not find this action to be unduly unfair to Advanced class licensees in view of the fact that they currently make little use of the frequencies in question.

7. Finally, we are in receipt of a Motion to Set Aside Comments of the American Radio Relay League, filed by Josef Schrabal. The Commission finds that the ARRL comments have been constructed to provide insight into this proceeding that might otherwise have been unobtainable. We, therefore, are denying the Motion.

8. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission has certified, in the original Notice of this proceeding, that these rule amendments are not anticipated to have a significant economic impact on a substantial number of small entities since the Amateur Radio Service may not be used for commercial radio communication (see 47 CFR 97.3(b)) and because these rules would have no forseeable impact on manufacturers of Amateur Radio Service equipment.

9. Accordingly, it is ordered that effective at 0001 UTC on May 22, 1983, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as set forth in the attached Appendix. It is further ordered that to the extent specified herein RM–3705, RM–3729, RM–3734, RM–3778, RM–3831, RM–3833, and RM–3860 are granted and in all other respects they are continued. It is further ordered that the Motion of Josef Schrabal is denied. It is further ordered that this proceeding is continued. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett, (202) 632–4964, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.7, paragraph (a) is revised to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies	Class of license authorized
3500–3525 kHz	Amateur extra only.
3775–3800 kHz	Do.
7000–7025 kHz	Do.
14,000–14,025 kHz	Do.
14,150–14,175 kHz	Do.
21,000–21,025 kHz	Do.
21,250–21,270 kHz	Do.
3800–3890 kHz	Amateur extra and advanced.
7150–7225 kHz	Do.
14,175–14,225 kHz	Do.
21,270–21,350 kHz	Do.

* * * * *

§ 97.61 [Amended]

2. In § 97.61, in the table in paragraph (a), the row beginning with "14000–14200 (kHz)" is revised by beginning the row with "14000–14150 (kHz)" so that the entire row reads as follows:

14000–14150	F1

3. Also in § 97.61, in the table in paragraph (a), the row beginning with "14200–14350 (kHz)" is revised by

[3] The American Radio Relay League, Inc. is an association of amateur radio operators with over 100,000 members who are licensed by the Commission.

beginning the row with "14150–14350 (kHz)" so that the entire row reads as follows:

14150–14350 ..... A3, A4, A5, F3, F4, F5

[FR Doc. 83-9975 Filed 4-14-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 9A)]

Liquid Iron Chloride, Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is exempting on a nationwide basis the rail transportation of liquid iron chloride from regulation pursuant to 49 U.S.C. 10505. This action gives rail carriers greater freedom to compete with motor carriers for this traffic.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245, or Mont Burrup, (202) 275–6447.

SUPPLEMENTARY INFORMATION: There are no substantive differences between the exemption proposed and the one adopted here (See Appendix). Comments were filed by three shippers and three railroads. A description of the comments and our reasons for concluding that the exemption should be approved are contained in a detailed decision in this proceeding.

Interested persons can purchase a copy of the full decision by contacting T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area), or toll free (800) 424–5403.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

(49 U.S.C. 10505, 5 U.S.C. 553)

Decided: April 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1039—[AMENDED]

Title 49 of the Code of Federal Regulations, § 1039.11, is amended by adding the following commodity to the list of miscellaneous commodities exempt from regulation:

§ 1039.11 Miscellaneous commodities exemption.

* * * * *

28	195	22-23	Iron chloride, liquid.

* * * * *

[FR Doc. 83-10026 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection

7 CFR Part 68

United States Standards for Split Peas; Review of Standards

AGENCY: Federal Grain Inspection Service[1]

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Split Peas. FGIS proposes that no changes be made to the standards.

DATE: Comments must be submitted on or before June 14, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 667 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250, telephone (202) 382–1738.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., 202–382–1738.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Split Peas were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq;* the Act). Pursuant to section 203(c) of the Act (7 U.S.C. 1622(c)), the Administrator is authorized to develop and improve standards for all assigned agricultural commodities.

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation as established in the Order.

Regulatory Flexibility Act Certification

Kennety A. Gilles, Administrator, FGIS, has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities because most users of split pea inspection services do not meet the requirements for small entities as defined in Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Standards Review

The review of the U.S. Standards for Split Peas (7 CFR 68.501–68.510) included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective of the review was to assure that the standards continue to serve the needs of the market to the greatest extent. Although no changes are being proposed at this time, FGIS will continue to study and evaluate the standards, as is appropriate, to meet the future needs of the industry.

In the course of reviewing the U.S. Standards for Split Peas, meetings were held with the dry pea industry that were attended by representatives of split pea processors, packagers, and domestic and export merchandisers. The purpose of these meetings was to discuss the current standards for split peas and to solicit opinions on improvement of the standards. It was the consensus of industry members attending these discussions that the current U.S. Standards for Split Peas are meeting the needs of the split pea industry and no changes in the standards are needed at this time.

Based upon all information available to FGIS, it has been determined that the standards presently meet the objectives and criteria which were used in the review of regulations.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures—FGIS, Agricultural commodities, and Export.

Accordingly, FGIS proposes that no changes be made to the U.S. Standards for Split Peas which appear at 7 CFR 68.501–68.510.

(Sec. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: April 4, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83-10157 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-EN-M

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2 (e)).

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Documentation and Verification of Eligibility

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend Part 226 to implement several provisions of section 803 of Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981. Under this proposal: (1) Minimum standards are established for documentation of eligibility; and (2) procedures are set forth for the verification of the information on free and reduced-price applications submitted to institutions. This proposal is intended to prevent errors and abuse in the delivery of free and reduce-price meal benefits.

DATE: To be assured of consideration, comments must be postmarked on or before May 31, 1983.

ADDRESS: Comments should be sent to Jordan Benderly, Director, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written submissions will be available for public viewing in Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Benderly or Ms. Beverly Walstrom at the address listed above, or call (703) 756–3888.

SUPPLEMENTARY INFORMATION:

Classification. This proposed action has been reviewed under Executive Order 12291 and has been classified not major because it will not have an annual

effect on the economy of $100 million, will not cause a major increase in cost or prices for program participants, individual industries, Federal agencies, State or local government agencies or geographic regions, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. The proposed rule is intended to ensure that free and reduced-price benefits are directed to only those children from families whose income falls within the Income Eligibility Guidelines set forth by the Department by household size.

This proposal has also been reviewed with regard to the requirements of Public Law 96-354, the Regulatory Flexibility Act. Pursuant to that review the Acting Administrator of the Food and Nutrition Service has certified that this proposed rule does not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Background. Institution reimbursement for meals served to children enrolled in child care centers and outside-school-hours care centers is based on the eligibility of enrolled children for free, reduced-price, and paid meals. For this reason, eligibility information must be maintained by institutions, other than sponsoring organizations of day care homes. (Day care home sponsoring organizations must collect eligibility information only for provider's children which participate in the CCFP.) In the past, institution officials were directed to determine eligibility for free and reduced-price meals "solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household." Until recently, this affidavit (application) was limited to the information necessary to determine eligibility, namely family size and income. In order to determine eligibility, institution officials were directed to compare the Income Eligibility Guidelines issued by the Secretary to the family size and income information furnished by the parent.

The National School Lunch Act (NSLA) also provided that institution officials "may for cause seek verification of the data in such application." The "for cause" provision limited verification to those situations where officials had actual cause to believe the information furnished on the application was erroneous.

Changes Due to Public Law 97-35. Section 803 of Public Law 97-35 made several changes to the NSLA which require the Secretary to use discretion in the rulemaking process. In addition to these discretionary provisions, section 803 made a number of nondiscretionary changes to the NSLA. The nondiscretionary provisions were effective upon the date of enactment, August 13, 1981. The following discussion highlights the nondiscretionary and discretionary changes.

Nondiscretionary Provisions. The Interim CCFP regulation, published November 27, 1981, at 46 FR 57980-58006, and finalized on August 20, 1982 (47 FR 36524-36551) contained a number of the nondiscretionary changes mandated by Public Law 97-35 regarding modifications in procedures and guidelines used in determining the eligibility of children enrolled in the Program for free and reduced-price meals. Provisions mandated by Section 803 and Section 810(c) of the statute and contained in the previously published rulemaking include:

(a) The use of the Secretary's, rather than the State's, guidelines for determining the eligibility of enrolled children for free and reduced-price meals;

(b) The requirement that institutions announce the Secretary's guidelines for free and reduced-price meals by including them in the annual news release;

(c) The requirement that applications for free and reduced-price meals be distributed to parents or guardians of enrolled children; and

(d) The requirement that the application and any other descriptive materials distributed to parents or guardians contain only the income standards for reduced-price meals and contain an explanation that indicates that households with incomes less than or equal to the reduced-price standards listed would be eligible for free or reduced-price meals.

Although these requirements have been implemented in the CCFP and promulgated in Program regulations, these provisions appear in this proposal since the sections and paragraphs which contain them have been reorganized and revised. Commenters should understand that these requirements are not a part of this proposal that is open for comment since the provisions are nondiscretionary and the public has already been given the opportunity to comment on them by the publication of the CCFP interim rule on November 27, 1981.

Social Security Number Collection. This rule also serves to propose that, as a condition of eligibility for free and reduced-price meals, parents or guardians of enrolled children report the social security numbers of all adult members of the household on the application for those Program meals. This provision, originally included in the CCFP interim rule, published on November 27, 1981, at 46 FR 57980-58006, and in the CCFP final rule, published on August 20, 1982, at 47 FR 36524 was a nondiscretionary legislative change required by Section 803 of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981. However, at this time, the Department is involved in litigation concerning this provision of the regulations and is currently prohibited from collecting social security numbers because of a preliminary injunction which has been handed down in the case of *Alcarez* v. *Block*. The Alcarez litigation is ongoing at this time.

However, the Department believes it is essential to give effect to the express intent of Congress that social security numbers be collected in the Program. Therefore, in order to recommence the collection of social security numbers, the collection requirement is proposed in this regulation. We continue to believe that the Department's earlier implementation of the social security number collection requirement through the above cited regulations was in accordance with law.

Discretionary Provisions. Section 803 of Public Law 97-35 requires that households submit appropriate documentation, as prescribed by the Secretary, of the income of the household as a condition of eligibility for free and reduced-price meals. In addition, section 803 authorizes the Secretary, States, and local entities to seek verification of the data contained in the application for free and reduced-price meals. Section 9(b) of the NSLA, as amended, removes the restriction that information on the application may be verified solely "for cause." Further, the statute requires that the above-mentioned entities undertake verification procedures prescribed by the Secretary, and make appropriate changes in the eligibility determinations on the basis of such verfication. This proposed regulation, therefore, sets forth standards for the documentation necessary for determining the eligibility status of enrolled children and provides

procedures for the verification of eligibility in the CCFP.

Other Proposed Changes. In addition to the regulatory changes necessitated by Public Law 97–35, the Department is proposing to reorganize and expand § 226.23 to include a number of provisions which have been required in the operation of the CCFP, but which have not been specifically addressed in prior Program regulations. Proposed to be added to Program regulations are: (1) a specific requirement for institution distribution of letters to parents with the application for free and reduced-price meals (§ 226.23(e)(2)); (2) specification of information necessary for inclusion in the letter to parents (§ 226.23(e)(2)); (3) provision of instruction on activities associated with the determination of eligibility for free and reduced-price meals (§ 226.23(e)(4)) and (4) procedures which institutions may follow for providing affected parties the opportunity for appealing denied or terminated benefits (§ 226.23(e)(5)).

Departmental Response. This preamble is composed of three segments: (1) Documentation, (2) verification and (3) other changes. Each segment reiterates the authority for and summarizes each proposed action. Comments are requestes on all aspects of the proposed actions discussed below.

I. *Documentation.*

Section 803(b) of Public Law 97–35 amenmd section 9 of the NSLA to require the Secretary to prescribe the necessary components which constitue adequate documentation of eligibility for benefits. This proposed rule, therefore, includes a definition of documentation (§ 226.2) and a number of provisions which deal exclusively with documentation as it relates to the eligibility application. Section 226.23(e) outlines (1) the procedures for distributing eligibility applications, (2) the data which must be requested on the application, (3) the statements of information which must be included on the application, and (4) the documentation which must be submitted by the parents or guardians of enrolled children as a condition of eligibility for free and reduced-price meals.

The documentation portion of this proposed regulation closely parallels that of the interim rule on application procedures for the National School Lunch Program, published on July 23, 1982, at 47 FR 31848–31853. The Department feels that it is important that similar requirements be implemented in the different Special Nutrition Programs to ensure conformance and consistency, when appropriate. The Department feels that the documentation requirements included in this proposal will not pose any operational difficulties for child care institutions.

a. *Definition of Documentation.* The Department, given the statutory authority to prescribe adequate documentation of eligibility, proposes to define documentation as completion of the following information on the application for free and reduced-price meals:

(1) total current household income;

(2) names of all household members;

(3) social security numbers of all adult household members or an indication that a household member does not possess one; and

(4) the signature of an adult member of the household.

The approach is intended to maintain the existing self-certification process, thus limiting the burden on the applicant as well as on institution officials. However, it is felt that the submission of adequate information to provide for the possibility of verification should serve as a deterrent to understanding income, thus making this proposed action the most cost-effective method for reducing Program abuse. Commentors should be aware that the provision of information required on a free and reduced-price application would be considered a condition of eligibility, as required by Public Law 97–35. Applications which do not contain such documentation will be considered incompete and therefore insufficient to substantiate the receipt of Federal funds by the institution, or the determination of children as eligible for free and reduced-price meals.

b. *Application Data Requirements.* Section 226.23(e)(1)(ii) specifies the information which must be included on the eligibility application for free and reduced-price meals. Institutions must request the following household data on the eligibility application distributed to parents or guardians of enrolled children: (1) The names of all children for whom application is made; (2) the names of all other household members; (3) the social security number of all household members 21 years of age and older or an indication that a household member does not possess one; (4) the total current income of the household; and (5) the signature of an adult member of the household.

This proposal provides that, at the State agency's discretion, the eligibility application may also include a request for the household to indicate if it is participating in the food stamp program, so long as the applicant is informed that the provision of this information is not a condition of eligibility. State agencies are being given this option in order to assist in the verification of eligibility through the identification of the food stamp, as well as the non-food stamp, population. It is felt that this information may assist State agencies in ensuring that verification is performed on both non-food stamp households, as well as food stamp households, who have already undergone verification for the purpose of being determined eligible for the food stamp program.

This rule also includes a definition of "adult", so as to simplify the collection of social security numbers for Program purposes. Section 226.2 ("Adult") specifies that, for the purpose of the collection of social security numbers, an adult is any individual household member 21 years of age or older. Commentors should note that this definition is intended to affect the collection of social security numbers only and does *not* affect the requirement to indicate total household income on the eligibility application.

c. *Current Income.* In the past, institutions could consider either the family's current rate of income *or* the family's income during the past 12 months to determine eligibility for free and reduced-price meals. Section 9 of the NSLA, as amended by Public Law 97–35, states that "any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed" the applicable family size income level is eligible to receive free or reduced-price meals. The Department is proposing to define "current income" as it is defined for the National School Lunch Program (NSLP) i.e., as income received during the month prior to application for free or reduced-price meals and multiplied by 12. If such income does not accurately reflect the household's income, then income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

The definition has been developed to ensure compliance with the Congressional intent of Public Law 97–35. The Department believes that income received during the month prior to application, multiplied by 12, must serve as the basic standard for current income. The month prior to application was chosen because families will know how much income was received in that month and will not be forced to speculate. This approach does not address a number of situations such as seasonal workers or farmers who may have an unrepresentative income during

August or September when applications are filed. Consequently, the Department is proposing to allow the use of projected income for the current year in those cases where this approach would produce the most accurate reflection of a houshold's actual financial situation. In those situations where a projection of current annual income most accurately reflects a household's financial situation, the Department intends to allow the use of income information from the previous year as a base from which the current year's annual income can be estimated. In addition, a conforming change has been made in § 226.23(f) to refer to reporting eligibility of enrolled children to the administering agency based on current family size and income information.

d. *Application Information Requirements (§ 226.23(e)(1)(ii)).* In addition to the request for household data, § 226.23(e)(1)(ii) also requires that the following statements be included on the application: (1) a statement to the effect that "In certain cases, foster children are eligible for free and reduced-price meals regardless of household income. If such children are living with you and you wish to apply for such meals, please contact us."; and (2) a statement that "Sections 9 and 17 of the National School Lunch Act require that in order for your child to be eligible for free or reduced-price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations and may include contacting employers to determine income, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in loss or reduction of benefits, administrative claims, or legal action if incorrect information is reported."

The purpose of the notice is to inform individuals whether disclosure of social security numbers is mandatory or voluntary, by what statutory or other authority such numbers are solicited, what uses will be made of the numbers and the consequences of not providing the account numbers. The regulatory wording in this proposal requires all State agencies and institutions to include the above wording on the application for benefits distributed to households.

Commenters should note that the statement included in § 226.23(e)(1)(ii) is slightly different from the statement included in § 226.23(e) of the final CCFP rule, published on August 20, 1982. The difference accounts for notification to the public of the verification methods that are proposed in this regulation.

The notice contained in this regulation is a prototype notice which the Department believes will cover most uses of the social security numbers. However, States may carry out verification efforts that the Department has not anticipated; or State laws may impose them. Therefore, State agencies must review the notice and ensure that their intended uses are included in the notice on all applications.

II. *Letter to Parents (§ 226.23(e)(2)).* This rulemaking also includes a proposed provision requiring institutions to distribute a notice or letter to parents. Although Program guidance and operational practice have included the distribution of a letter to parents or guardians, the requirement to do so has not been formalized in the CCFP regulations. Section 226.23(e)(2) specifies that the required letter shall accompany the eligibility application distributed to parents or guardians of enrolled children and provides an itemized listing of the information which must be included in the letter. Most notably, this proposal requires that parents or guardians be informed that they must notify appropriate institution officials during the year of any decreases in household size or increases in income which exceed $50 per month or $600 per year.

Section 9 of the NSLA requires that only children whose household income falls within the income eligibility criteria receive Program benefits. An increase in a household's annual income may render the children of that household ineligible for benefits or eligible only for reduced-price meals. Without a requirement to report changes in income, households may receive benefits throughout the year despite the fact that their income no longer falls within the applicable income eligibility guideline. The Department believes it would be fiscally irresponsible to allow ineligible persons to continue to receive benefits. For this reason, the Department has included this regulatory provision based on its statutory obligation to provide benefits only to children from households whose annual income falls within the applicable gudelines.

III. *Verification.* Section 803 of Public Law 97-35 amends section 9(b) of the NSLA to allow the Secretary, State agencies, and local entities to seek verification of the information provided on applications for free and reduced-price meals. The Act also requires Program participants to comply with the regulations prescribed by the Secretary concerning verification of information and to make appropriate changes in eligibility determinations on the basis of such verification. The Department believes that standards of verification should be established so that all administering agencies make efforts to eliminate fraud and abuse in the Program. The Department realizes that State and local officials do not have unlimited resources available to perform verification and believes this proposal will provide for a viable system without over-burdening State and local officials.

Because of the nature of the CCFP, it is proposed that this rulemaking be modified from the recently published NSLP regulation on verification. Although income eligibility for the CCFP is based upon the same criteria as that used in the NSLP (the Secretary's Income Eligibility Guidelines), the utilization of that information differs between the Programs. In the NSLP, eligibility is not only used to determine Program payments to the school food authority, but also has an effect on the individual student in that the student's payment for meals is dependent on the determination of eligibility for free, reduced-price or paid meals.

In the CCFP, there are two types of systems, both of which involve the Program's free and reduced-price meal policy. They are "pricing" and "nonpricing" programs. Pricing programs are those in which a separate charge is made for the meal to make up the difference between the CCFP reimbursement for meals and the actual cost of serving meals to enrolled children.

Nonpricing programs are those in which no separate charge is made for the meals served to children. An overwhelming majority of institutions that participate in the CCFP participate as nonpricing programs. In a nonpricing program, if a payment is required for the child, it is made in the form of a general tuition charge that covers all areas of child care services provided by the institution. There are no payments specifically earmarked for food service.

Therefore, there is no separate charge for the meals, nor is money exchanged at the mealtime.

In nonpricing programs, income eligibility information is necessary solely to determine the institution's rates of Program reimbursement. All enrolled children receive the same meals, at no separate charge. Eligibility determinations, therefore, do not affect the parents or guardians of enrolled children in that the family does not directly benefit from the determination for free or reduced-price eligibility. Rather, the institution benefits in the form of rate determinations. Therefore, in the overwhelming majority of cases, since most participating CCFP institutions are nonpricing, the benefit is derived by the institution, not the parents of enrolled children. This is and of itself lessens the possibility that parents would misstate income and family size.

Moreover, with regard to problems with eligibility determinations in the CCFP it is more likely that institution misrepresent the eligibility status of enrollees to the administering agency or miscalculate in making the basic eligibility determination for free, reduced-price or paid meals by not applying the Secretary's family size and income guidelines correctly. For these reasons, this proposed rule establishes a two-tiered verification procedure to be undertaken by Program administering agencies. Section 226.23(h) specifies the procedures which must be conducted annually by State administering agencies in order to verify the eligibility of children enrolled in pricing and nonpricing programs.

a. *Definition of Verification (§ 226.2).* This rulemaking includes a proposed definition of verification for the purposes of the CCFP, and also proposes to add definitions of both pricing and nonpricing programs to § 226.2.

A "Nonpricing program" is defined in this proposal as an institution in which there is no separate charge made for meals served to enrolled children. "Pricing program" means an institution in which a separate charge is made for meals served to enrolled children. The definition of "Verification," which is also proposed to be included in §226.2, means (a) a review of the information reported by institutions to the State agency regarding the eligibility of enrolled children for free and reduced-price meals; and (b) in addition, for a pricing program, confirmation of eligibility for benefits under the Program. At a minimum, verification shall include confirmation of income eligibility and, at State agency discretion, verification may also include confirmation of household size.

This proposal requires that administering agencies annually conduct verification of eligibility for both pricing and nonpricing programs particiating in the CCFP in the State. It is proposed that the verification process be conducted for institutions on a schedule similar to that of the conduct of Program administrative reviews and, at administering agency discretion, the verification process may be incorporated into the administrative review procedure. If the opportunity arises, an administering agency may also wish to perform verification during the conduct of an audit of an institution. However, the performance of verification for individual institutions shall occur no less frequently than once every four years. In addition, this rule requires that if the verification process discloses any problems regarding the determination of eligibility and/or application procedures, the State agency shall conduct a follow-up review within one year for the purpose of determining that corrective action has been taken by the institution.

b. *Verification procedures for nonpricing programs.* It is proposed that administering agency verification procedures for nonpricing programs shall consist of a review of the eligibility applications on file for each enrolled child so as to ensure that (a) the application has been correctly and completely executed by parents or guardians; (b) the institution has correctly determined and classified the eligibility of enrolled children for free or reduced-price meals, or has determined that enrolled children are not eligible for free or reduced-price meals, based on the information included on the application submitted by the parents or guardians; and (c) the institution has accurately reported to the State agency the number of enrolled children meeting the criteria for free and reduced-price meal eligibility and the number of enrolled children that do not meet the eligiblity criteria for those meals.

In certain instances, a State agency may wish to pursue further verification directed at confirming the information submitted by parents or guardians of enrolled children on the application for Program meals. If the State agency wishes to pursue this type of effort, it shall be required to conduct further verification in nonpricing programs in accordance with the verification procedures for pricing programs described below.

c. *Verification procedures for pricing programs.* For pricing programs, it is proposed that, in addition to the verification procedures described above, State agencies must also conduct verification of the income information provided by parents or guardians on the applications for free or reduced-price meals and, at State agency discretion, may also include confirmation of household size. State agencies shall perform verification on a representative sample of no less than 3 percent of the applications submitted by families of children enrolled in an institution which is a pricing program. It is proposed that written evidence be used as the primary source of verification. Written evidence includes written confirmation of a household's circumstances. Whenever written evidence is insufficient to establish eligibility, the State agency may require collateral contacts.

For households with employed members, written confirmation of income information includes but is not limited to: paycheck stubs, pay envelopes stating earnings or a letter from the employer stating wages paid. For self-employed persons, income information may include: FICA (social security) payment statements or the last quarterly estimate of taxes. Households with unemployed members may provide written confirmation of income through benefit letters from public assistance programs, unemployment benefit notices, or the most recent unemployment check, court decrees or most recent check for alimony or child support, disability or workman's compensation notices, or Veteran Administration benefit letters. Households currently participating in the Food Stamp Program must be allowed to submit a current notice of eligibility in lieu of any other income information.

The use of written confirmation of eligibility information is the most universally applicable, places the burden of responsibility on the household. Prior to the conduct of the verification process, the parent should receive clearly worded notification that the household has been selected for review and must submit the requested verification to maintain eligibility for free or reduced-price benefits. The notice to parents should clearly describe the types of verification documents that are acceptable to the State, e.g., wage stubs, award letters from social security, benefit statements for unemployment compensation, court orders specifying alimony or child support, etc. Further, the notice should give the name and telephone number of the official who can answer questions and assist the household in acquiring the necessary

verification. Households must also be informed that if they are currently receiving food stamp benefits, they may submit proof of current eligibility for food stamp benefits in lieu of the requested information. The notice must also advise the household that failure to cooperate with verification efforts will result in termination of benefits.

The initiation of collateral contacts can be used in those situations where the household is unable to acquire written verification or the written verification does not confirm income eligibility for benefits. Collateral (third party) contact is verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made in person or over the phone and must be authorized by the household. The verifying official may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the verifying official. Examples of acceptable collateral contacts may include, but not be limited to, employers, social service agencies, or migrant service agencies who can be expected to provide accurate third party verification. If the verifying official designates a collateral contact, the contact may not be made without providing prior written or oral notice to the household. At the time of this notice the household must be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility must be terminated in accordance with the normal procedures for failing to cooperate with verification efforts.

Systems of records, to which the State agency can legally obtain routine access, are not considered collateral contacts and need not be designated by the household.

It is important to point out that the manner in which each source of verfication is implemented is subject to scrutiny in light of individual rights of privacy. The Department urges State agencies to obtain approval of verification methods by their legal counsel to ensure conformity with applicable Federal, State and local laws.

Verification for recipients of food stamp benefits that choose to provide evidence of food stamp participation in lieu of income information shall be limited to a review to determine that the period of eligibility for food stamp benefits is current. If the household chooses to provide income information or the food stamp certification period is found to have expired, the household shall be subject to routine verification of eligibility.

The Department believes an abbreviated verification procedure will suffice for households which identify themselves as food stamp households. These households undergo extensive verification in order to receive food stamp benefits. A State agency must allow the applicant to demonstrate current eligibility for food stamp benefits by providing "notice of eligibility" or other evidence of benefits. An abbreviated verification procedure for food stamp households will minimize the administrative burden and cost of verification efforts since many free meal recipients are also eligible for food stamp benefits.

The State agency may work with the institution to acquire the information necessary to verify the documentation submitted by the household on the application; however, the responsibility to complete the verification process may not be delegated to the institution.

State agencies would be required, under this proposal, to apply the verification efforts uniformly without regard to race, color, national origin, sex, or handicap. Since State and local laws differ widely, each State agency should contact its legal counsel to ensure compliance with applicable laws.

d. *Notification Requirements (§ 226.23(h)).* The administering agency must require institutions to terminate or reduce household benefits when (a) the household refuses to cooperate with verification efforts, or (b) the verification effort indicates the household is ineligible to receive benefits or is eligible to receive fewer benefits. Institutions which operate pricing programs must immediately notify the household in writing of a termination of benefits and allow 10 days before such termination or reduction takes place. The notice must advise the household of the change, the reasons for the change, the right to appeal the action within the 10 day advance notice period, and provide instructions on how to appeal. The reasons for ineligibility or reduction of benefits must be properly documented and retained on file at the institution.

e. *Continuation of Benefits (§ 226.23(h)).* This proposal stipulates that households with children enrolled in pricing programs who have been approved for benefits and who are subject to a reduction or termination of benefits later in the same year will continue to receive benefits subject to the hearing official's decision, if they appeal the adverse action within the 10-day advance notice period. Households which are denied benefits upon application shall not receive benefits pending an appeal of the decision.

f. *Administrative Action (§ 226.23(h)(3) and (4)).* This proposed rule requires that when verification results indicate that (a) an institution has inaccurately classified or reported the number of enrolled children eligible for free, reduced-price or paid meals and/or (b) a household has not reported accurate documentation on the application which would support continued eligibility for free or reduced-price benefits, the administering agency shall appropriately adjust institution rates of reimbursement. Administering agencies shall inform institution officials of the results of the verification effort and the action which will be taken in reponse to the verification findings. This notification shall be made in accordance with the procedures outlined in § 226.6(j) of current Program regulations.

g. *Reporting (§ 226.23(h)).* The Department proposes to require that State agencies maintain records demonstrating compliance with these minimum documentation and verification requirements, and proposes to monitor for compliance during the management evalaution process.

IV. *Other Proposed Changes.* In addition to the proposed Program amendments previously discussed, a number of minor and conforming revisions have been made to the regulations as follows:

(a) the addition of a provision which authorizes administering agencies to conduct verification of eligibility (§ 226.6(e)(8));

(b) the addition of definitions of "family" and "household" to § 226.2;

(c) the addition of the requirement that pricing programs must provide written notification to parents or guardians of enrolled children of the action taken with regard to the eligibility application submitted to the institution (§ 226.23(e)(4)); and

(d) the addition of a provision allowing the household to request a conference to provide all affected parties the opportunity to discuss the denial of eligibility prior to initiating a request for a formal hearing (§ 226.23(e)(5)).

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs, Health, Infants and children.

PART 226—CHILD CARE FOOD PROGRAM

Accordingly, Part 226 is proposed to be amended as follows:

(1) In § 226.2, the definition of "Adult" is inserted between that of "Administrative costs" and "Advanced

payments"; the definition of "Current income" is inserted between that of "Claiming percentage" and "Day care home"; the definition of "Documentation" is inserted between that of "Department" and "Enrolled child"; the definition of "Family" is inserted between that of "Enrolled child" and "Fiscal year"; the definition of "Household" is inserted between that of "Free meal" and "Income standards"; the definition of "Nonpricing program" is inserted between that of "Nonexpendable personal property" and "Nonresidential"; the definition of "Pricing program" is inserted between that of "Personal property" and "Program"; and the definition of "Verification" is added following that of "Title XX".

§ 226.2 Definitions.

* * * * *

"Adult" means, for the purposes of the collection of social security numbers as a condition of eligibility for free or reduced-price meals, any individual 21 years of age or older.

* * * * *

"Current income" means income received during the month prior to application for free or reduced-price meals and multiplied by 12. If such income does not accurately reflect the household's annual income, income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

* * * * *

"Documentation" means the completion of the following information on a free and reduced-price application: (a) Total current household income; (b) names of all household members; (c) social security numbers of all adult household members or an indication that a household member does not possess one; and (d) signature of an adult member of the household.

* * * * *

"Family" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

* * * * *

"Household" means "family," as defined in § 226.2 ("Family").

* * * * *

"Nonpricing program" means an institution in which there is no separate charge made for meals served to enrolled children.

* * * * *

"Pricing program" means an institution in which a separate charge is made for meals served to enrolled children.

* * * * *

"Verification" means (a) a review of the information reported by institutions to the State agency regarding the eligibility of enrolled children for free or reduced-price meals; and (b) in addition, for a pricing program, confirmation of eligibility for benefits under the program. At a minimum, verification shall include confirmation of income eligibility and, at State discretion, verification may also include confirmation of household size.

(2) In § 226.6, a new paragraph (e)(8) is added to read as follows:

§ 226.6 State agency administrative responsibilities.

* * * * *

(e) *Annual requirements.* * * *

(8) Perform verification of the eligibility of enrolled children for free and reduced-price meals in participating institutions in accordance with the procedures outlined in § 226.23(h). State agencies verifying the information on free and reduced-price applications shall ensure that verification activities are applied without regard to race, color, national origin, sex, or handicap.

(3) Section 226.23 is amended by revising paragraphs (e) and (f); and adding a new paragraph (h) to read as follows:

§ 226.23 Free and reduced-price meals.

* * * * *

(e)(1) Application for free and reduced-price meals. (i) For the purpose of determining eligibility for free and reduced-price meals, institutions other than sponsoring organizations of day care homes shall distribute applications for free and reduced-price meals to parents or guardians of children enrolled in the institution. Sponsoring organizations of day care homes shall distribute applications for free and reduced-price meals to day care home providers who wish to enroll their eligible children in the program. The application, and any other descriptive material distributed to such persons, shall contain only the family-size income levels for reduced-price meal eligibility with an explanation that households with incomes less than or equal to these levels are eligible for free or reduced-price meals. Such forms and descriptive materials may not contain the income standards for free meals.

(ii) The application shall contain a request for the following information: (A) The names of all children for whom application is made; (B) the names of all other household members; (C) the social security number of all household members 21 years of age or older or an indication that a household member does not possess one; (D) the total current income of the household; (E) a statement to the effect that "In certain cases, foster children are eligible for free and reduced-price meals regardless of household income. If such children are living with you and you wish to apply for such meals, please contact us."; (F) a statement that "Sections 9 and 17 of the National School Lunch Act require that in order for your child to be eligible for free or reduced-price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations, and may include contacting employers to determine income, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in loss or reduction of benefits, administrative claims, or legal action if incorrect information is reported." State agencies and institutions shall ensure that the notice complies with section 7 of Pub. L. 93-579. If a State or local agency plans to use the social security numbers in a manner not described by this notice, the notice shall be altered to include a description of those uses; and (G) the signature of an adult member of the household.

(iii) At the State agency's discretion, the application may enable the applicant to indicate whether the household is participating in the Food Stamp Program, *Provided* that applicants are informed that the provision of this information is not a condition of eligibility.

(2) *Letter to Parents.* Institutions shall distribute a letter to parents or guardians of enrolled children in order to inform them of the procedures regarding eligibility for free and reduced-price meals. The letter shall

accompany the application required under § 226.23(e)(1) and shall contain:

(i) The income standards for reduced-price meals, with an explanation that households with incomes less than or equal to the reduced-price standards would be eligible for free or reduced-price meals (the income standards for free meals shall not be included in letters or notices to such applicants);

(ii) How a household may make application for free or reduced-price meals for its children;

(iii) An explanation that in order to be considered eligible for free or reduced-price meals, an application must contain complete documentation of eligibility information including the total current household income, names of all household members, social security numbers of all adult household members or an indication that a household member does not possess one, and the signature of an adult household member;

(iv) The statement: "In the operation of child feeding programs, no child will be discriminated against because of race, color, national origin, sex, or handicap;

(v) A statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced-price meals during the period of unemployment, provided that the loss of income causes the family income during the period of unemployment to be within the eligibility standards for those meals;

(vi) A statement to the effect that in certain cases foster children are eligible for free or reduced-price meals regardless of the income of the household with whom they reside and that households wishing to apply for such benefits for foster children should contact the institution; and

(vii) An explanation that recipients of free and reduced-price meals must notify appropriate institution officials during the year of any decreases in household size or increases income which exceed $50 per month or $600 per year.

(3) In addition to the information listed in § 226.23(e)(2), pricing institutions must include in their letter to parents an explanation that indicates that (i) the information in the application may be verified at any time during the year; and (ii) how a family may appeal a decision of the institution to deny, reduce, or terminate benefits as described under the hearing procedure set forth in § 226.23(c)(4).

(4) *Determination of eligibility.* When a completed application furnished by a family indicates that the family meets the eligibility criteria for free or reduced-price meals, the children from that family shall be determined eligible for free or reduced-price meals. Institutions that are pricing programs shall provide written notice to each family informing them of the results of the eligibility determination. When the information furnished by the family is not complete or does not meet the eligibility criteria for free or reduced-price meals, institution officials must consider the children from that family as not eligible for free or reduced-price meals and must consider the children as eligible for "paid" meals. When information furnished by a family of children enrolled in a pricing program does not meet the eligibility criteria for free or reduced-price meals, pricing program officials shall provide written notice to each family denied free or reduced-price benefits. At a minimum, this notice shall include: (i) The reason for the denial of benefits, e.g. income in excess of allowable limits or incomplete application; (ii) notification of the right to appeal; (iii) instructions on how to appeal; and (iv) a statement reminding parents that they may reapply for free or reduced-price benefits at any time during the year. The reasons for ineligibility shall be properly documented and retained on file at the institution, as appropriate.

(5) *Appeals of denied benefits.* A family that wishes to appeal the denial of an application in a pricing program shall do so under the hearing procedures established under § 226.23(c)(4). However, prior to initiating the hearing procedures, the parent or guardian may request a conference to provide all affected parties the opportunity to discuss the situation, present information and obtain an explanation of the data submitted on the application or the decision rendered. The request for a conference shall not in any way prejudice or diminish the right to a fair hearing. The institution shall promptly schedule a fair hearing, if requested.

(f) Free, reduced-price and paid meal eligibility figures must be reported by institutions to State agencies at least once each year and shall be based on current family-size and income information of enrolled children.

* * * * *

(h) *Verification of eligibility.* State agencies shall annually conduct verification of eligibility for free and reduced-price meals, in accordance with the verification procedures outlined in § 226.23(h) (1) and (2). Verification may be conducted in accordance with the Program assistance requirements of § 226.6(k), however, the performance of verification for individual institutions shall occur no less frequently than once every four years. If the verification process discloses any problems with the determination of eligibility and/or application procedures, State agencies shall conduct follow-up reviews for the purpose of determining that corrective action has been taken by the institution. These reviews shall be conducted within one year of the date upon which the verification process was completed. The verification effort shall be applied without regard to race, color, national origin, sex, or handicap. State agencies shall maintain on file for review a description of the annual verification to be accomplished in order to demonstrate compliance with § 226.23(h)(1) and (2).

(1) *Verification procedures for nonpricing programs.* State agency verification procedures for nonpricing programs shall consist of a review of the eligibility applications on file for each enrolled child so as to ensure that (i) the application has been correctly and completely executed by parents or guardians; (ii) the institution has correctly determined and classified the eligibility of enrolled children for free or reduced-price meals, or has determined that enrolled children are not eligible for free or reduced-price meals, based on the information included on the application submitted by the parents or guardians; and (iii) the institution has accurately reported to the State agency the number of enrolled children meeting the criteria for free and reduced-price meal eligibility and the number of enrolled children that do not meet the eligibility criteria for those meals. In addition, the State agency may conduct verification of the information provided by parents or guardians on the application for Program meal eligibility. If this effort is undertaken, the State agency shall conduct this verification in accordance with the procedures described in § 226.23(h)(2).

(2) *Verification procedures for pricing programs.* For pricing programs, in addition to the verification procedures described in § 226.23(h)(1), State agencies shall also conduct verification of the income information provided by parents or guardians on the application for free or reduced-price meals, and at State agency discretion, may also include confirmation of household size. State agencies shall perform verification on a representative sample of no less than 3 percent of the applications submitted by families of children enrolled in an institution which is a pricing program. Households shall be informed that they have been selected for verification and that they are required to submit the request

verification information to confirm eligibility for free or reduced price benefits. Those households shall be informed of the type or types of information and/or documents acceptable to the State agency and the name and phone number of an official who can answer questions and assist the household in the verification effort. Selected households shall also be informed that if they are currently participating in the food stamp program, they may submit proof of current eligibility for food stamp benefits in lieu of income information. All households selected for verification shall be advised that failure to cooperate with verification efforts will result in a termination of benefits. Sources of verification may include written evidence, collateral contacts, institution conferences, and systems of records. Written evidence shall be used as the primary source of verification. Written evidence includes written confirmation of a household's circumstances, such as wage stubs, award letters, and letters from employers. Wherever written evidence is insufficent to confirm income information on the application or current eligibility, the State agency may require collateral contacts or institution conferences. Collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made in person or by phone and shall be authorized by the household. The verifying official may select a collateral contact if the household failes to designate one or designates one which is unacceptable to the verifying official. If the verifying official designates a collateral contact, the contact shall not be made without providing written or oral notice to the household. At the time of this notice, the household shall be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility shall be terminated in accordance with § 226.23(h)(2)(i). Collateral contacts could include employers, social service agencies, and migrant agencies. The adult member(s) of the household may be asked to visit the institution for a discussion of the information on the application. Households shall be provided sufficient opportunity to schedule the conference. Systems of records to which the State agency may have routine access are not considered collateral contacts. Information concerning income or family size maintained by other government agencies to which the State agency can legally gain access may be used to confirm a household's income and family size. One possible source could be wage and benefit information maintained by the State unemployment agency, if that information is available. The use of any information derived from other agencies must be used with the applicable safeguards concerning disclosure. Verification for recipients of food stamp benefits that choose to provide evidence of food stamp particiaption in lieu of income information shall be limited to a review to determine that the period of eligibility for food stamp benefits is current. If the household chooses to provide income information of the food stamp certification period is found to have expired, the household shall be subject to routine verification of eligibility. The State agency may work with the institution to acquire the information necessary to verify the documentation submitted by the household on the application; however, the responsibility to complete the verification process may not be delegated to the institution.

(i) If a household refuses to cooperate with efforts to verify, or the verification effort indicates that the household is ineligible to receive benefits or is eligible to receive reduced benefits, the State agency shall require the pricing program institution to terminate or adjust eligibility in accordance with the following procedures:

(A) Institution officials shall immediately notify families of the denial of benefits in accordance with § 226.23(e)(4) and § 226.23(e)(5). Advance notification shall be provided to families which receive a reduction or termination of benefits 10 calendar days prior to the actual reduction or termination. The 10-day period shall begin the day the notice is transmitted to the family. The notice shall advise the household of (*1*) the change; (*2*) the reasons for the change; (*3*) notification of the right to appeal the action and the date by which the appeal must be requested in order to avoid a reduction or termination of benefits; (*4*) instructions on how to appeal and (*5*) the right to reapply at any time during the year. The reasons for ineligibility shall be properly documented and retained on file at the institution.

(B) When a household disagrees with an adverse action which affects its benefits and request a fair hearing, benefits shall be continued as follows while the household awaits the hearing:

(*1*) Households which have been approved for benefits and which are subject to a reduction or termination of benefits later in the same year, shall receive continued benefits later in the same year, shall receive continued benefits if they appeal the adverse action within the 10 day advance notice period; and

(*2*) Households which are denied benefits upon application shall not receive benefits.

(3) State agencies shall inform institution officials of the results of the verification effort and the action which will be taken in response to the verification findings. This notification shall be made in accordance with the procedures outlined in § 226.6(j).

(4) State agencies shall adjust institution rates of reimbursement if, during the verification process, it is found that (i) an institution has inaccurately classified or reported the number of enrolled children eligible for free, reduced-price or paid meals and/or (ii) that verification results indicate that a household has not reported accurate documentation on the application which would support continued eligibility for free or reduced-price benefits.

(See. 803, Pub. L. 97-35, 95 Stat. 521-535 [42 U.S.C. 1758])

Dated: April 11, 1983.

John. H. Stokes III,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 83-10006 Filed 4-14-83; 8:45 am]

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Agricultural Marketing Service

7 CFR Part 1126

[Docket No. AO-231-A49]

Milk in Texas Marketing Area; Decision on Proposed Amendment to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This emergency decision provides for a temporary reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The reduced price would apply as soon as this amendatory action can be completed (sometime in April) and would continue through June 1983. The adopted change, which is based on industry proposals considered at a public hearing in February 1983, is necessary to reflect current marketing conditions and to assure orderly marketing in the Texas area. Because of the limited time to complete the rulemaking procedures, a recommended decision and the opportunity to file

exceptions thereto have been omitted. Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant adverse economic impact on a substantial number of small entities. The amendment will promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued December 27, 1982; published January 3, 1983 (48 FR 28).

Notice of Rescheduled Hearing: Issued January 14, 1983; published January 19 1983 (48 FR 2337).

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Texas marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Dallas, Texas, on February 1 and 2, 1983. Notice of such hearing was issued on December 27, 1982, and published on January 3, 1983 (48 FR 28). Notice of the rescheduled hearing was issued on January 14, 1983 and published on January 19, 1983 (48 FR 2337).

Interested parties were given until March 14, 1983, to file post-hearing briefs on proposals 1, 2 and 3 as published in the hearing notice and on whether the proposals should be considered on an expedited basis.

The material issues on the record of the hearing relate to:

1. The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese.

2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions thereto with respect to issue No. 1.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese.* A temporary price reduction of 40 cents per hundredweight should be accorded handlers for producer milk utilized in the production of butter, nonfat dry milk and cheddar cheese. The credit should apply as soon as the amendatory procedures involving this proceeding can be completed (sometime in April) and should continue through June 30, 1983.

Presently, the price for all producer milk in Class III uses, including butter, nonfat dry milk and cheddar cheese, is the basic formula price for the month. It represents the average of prices paid during the month for manufacturing grade milk in Minnesota and Wisconsin.

Associated Milk Producers, Inc. (AMPI), a cooperative association that represents dairy farmers who furnish approximately two-thirds of the producer milk marketed under the Texas order, requested that a permanent reduction of 40 cents per hundredweight apply during the months of March, April, May, June and December to all producer milk utilized in the manufacture of butter, nonfat dry milk and cheddar cheese. The cooperative indicated that it is handling from 80 percent to 90 percent of the market's surplus milk and is incurring losses on a per hundredweight basis that averaged 51 cents in 1981 and 37 cents during January—November 1982 in the manufacturing of such milk. AMPI contended that these losses occur in the operation of its manufacturing plants because of inefficiencies that result from balancing the fluid milk needs of the Texas market. It argued that because the cooperative is doing most of the balancing for the market, its members are bearing a disproportionate share of the costs related to this necessary market function. AMPI claimed that the proposed price reduction would result in all producers on the market sharing more equitably in this balancing cost.

Proponent cooperative operates two balancing plants and one pool supply plant under the Texas order. The two balancing plants are located at Muenster and Sulphur Springs, Texas, and the pool supply plant is located at Hillsboro, Kansas. The two balancing plants handle the majority of the market's reserve milk supplies. During the months of flush production, the two balancing plants often operate at full capacity. During such time the volume of producer milk exceeds the Class I and Class II needs of proprietary handlers and a large portion of the market's reserve milk supply is processed at the two plants. During the months of short production, all or nearly all of the market's reserve milk is needed to meet the Class I and Class II demand for fluid milk. As a consequence, on some days little, if any, milk is processed at the balancing plants. The cooperative pointed out that in 1981 one of its balancing plants was shut down for nearly 3 months due to the limited volume of milk in excess of the Class I and Class II needs of handlers in the months of short production.

Kraft, Inc., supported AMPI's proposed reduction in the Class III price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The company operates a manufacturing plant at Bentonville, Arkansas, and producer milk under the Texas order is moved periodically to such plant for surplus disposition. Kraft's witness testified that the company experiences greater costs in the operation of its manufacturing plants in the southern markets relative to the costs the company incurs in the operation of such plants located in the north central United States. The higher costs in the southern plants were attributed to the greater seasonal fluctuation in supplies, the smaller-scale plant operations, and lower yields of finished product from producer milk due to lower solids content of the milk. Kraft's witness estimated that the difference in the cost of processing milk between its southern and northern plants averaged about 48 cents per hundredweight each month.

Kraft's witness pointed out, too, that the current Federal order minimum price for milk used in the manufacture of butter, nonfat dry milk and cheddar cheese in the southwest is greater than the competitive price in that area for manufacturing grade milk not subject to minimum Federal order prices. Furthermore, he noted that during 1981 the pay price for manufacturing grade milk at Kraft's southwestern plants was 48 cents lower than its pay price for such milk at its north central plants. The difference in 1982 was 46 cents.

A representative of four cooperative associations with members located primarily in Minnesota and Wisconsin spoke in opposition to the adoption of AMPI's proposal. He contended that it would be inappropriate to consider a change in Texas without considering a similar change in all orders. The witness testified that the Texas marketing

situation was not unique in that seasonal and daily variations in milk intake exist for all manufacturing plants throughout the United States. Primarily, he opposed a lower Class III price for the Texas market on the basis that the markets for manufacturing milk and for manufactured dairy products are national in scope.

Another argument advanced by the opponent of any reduction in the Class III price was that because the variation in supply at manufacturing plants results from variations in the fluid demand of distributing plants, the cost should be borne by distributors rather than producers. The witness indicated also that the Class III price, being based on the Minnesota-Wisconsin price series, already reflects some of the costs of manufacturing operations that are due to the seasonal fluctuations in milk production. He further suggested that a lower Class III price might encourage manufacturing plants to become associated with the Texas market to secure a cheap supply of milk.

A witness on behalf of the Wisconsin Federation of Cooperatives also opposed the AMPI proposal. He contended that the market prices for butter, nonfat dry milk and cheddar cheese are set in a national market, and also that the dairy price support program is in effect setting a national floor for prices for such hard products. Thus, he claimed all Federal order surplus prices should be set at the same level. The witness contended, too, that the cost of balancing the fluid milk needs of handlers should not be a determinant of the Class III price.

A witness on behalf of a milk marketing cooperative whose members are located primarily in the north central Unites States opposed any deviation from the Minnesota-Wisconsin price series in pricing Class III milk. He argued that it would lead to similar proposals in other markets, a step which he felt would result in an unwarranted reduction in returns to dairy farmers. Another reason advanced by opponent was that the efficiencies of Class III manufacturers vary substantially and that order prices should not be set at the lowest level that will assure profitability for all manufacturers. He contended also that with the Minnesota-Wisconsin price running from 18 cents to 38 cents per hundredweight below the support price, the Class III price is low enough relative to the Government's purchase prices for hard products to permit a profit in the manufacture of butter, nonfat dry milk and cheddar cheese.

A witness for the Wisconsin Cheese Makers and a witness for the Trade Association of Proprietary Plants, both of which are processor organizations in the north central United States, submitted a joint statement at the hearing. They questioned whether it is the role of Federal milk orders to assure the profitability of handlers in disposing of surplus milk. The opponents stressed that the price support program is designed to establish a price for milk in surplus uses. It was their view that the market for butter, nonfat dry milk and cheddar cheese is a national market. They commented also that a reduction in the Class III price for the Texas area would limit the sale of butter, nonfat dry milk and cheddar cheese in such area from processors outside the market who have to pay the Class III price in all months for milk used in such products.

As indicated earlier, current marketing conditions warrant a temporary reduction in the present Class III price for producer milk used in the manufacturre of butter, nonfat dry milk and cheddar cheese. The adoption of the lower price will result in a more equitable sharing among all producers on the market of the cost of disposing of milk that is in excess of the fluid milk requirements of regulated handlers.

Currently, AMPI bears a disproportionate share of the cost of handling the surplus milk supplies in the Texas market. The members of AMPI produce about two-thirds of the milk supplies that are associated with the market. Yet, through the balancing functions that it is carrying out, the cooperative is handling between 80 percent and 90 percent of the Class III producer milk on the market. AMPI is balancing to varying degrees the milk supplies of all pool distributing plants in the Texas market. In many cases, AMPI is the sole supplier of a distributing plant. In other cases, the cooperative furnishes supplemental milk supplies to a distributing plant during only the fall months when the group of independent producers or the members of a cooperative from whom the handler receives milk on a regular basis throughout the year are unable to fully supply the handler's fluid milk needs. During the spring months when milk production increases seasonally, the handler cuts back on his supplemental purchases of milk from AMPI. In this situation, the producers who are the regular suppliers do not share in the costs of balancing the handler's fluid needs. Instead, these costs fall solely on the producer-members of AMPI.

It is expected that the cost problem for AMPI members will be even more severe this year because of the current heavy supply situation. It is likely that there will not be sufficient manufacturing capacity at the Muenster and Sulphur Springs plants during April and May of this year to process the milk supplies that have been associated with these plants in prior year. During April and May of 1982, producer receipts at the two plants amounted to 49 million pounds monthly. Such monthly receipts exceeded the combined manufacturing capacity of the two plants by about 1 million pounds. With milk production in the State of Texas during October-December 1982 running 4 percent ahead of last year's production, receipts at the two plants during April and May of this year will be considerably in excess of those of a year ago. Under such circumstances, it will be necessary for the two plants to forego the drying of buttermilk and whey and to dump such products in order to have sufficient manufacturing capacity to process surplus milk supplies into nonfat dry milk. In the event the dumping of such products does not free up sufficient manufacturing facilities, it will be necessary for AMPI to ship the surplus milk to more distant markets for manufacturing. The nearest alternative outlets for such milk would be manufacturing plants in Missouri and Kansas and the costs of shipping such milk would amount to $1.50–$2.00 per hundredweight. The transportation costs in such instance would greatly exceed the losses that the cooperative would incur in manufacturing the milk in its Texas plants.

The primary impact of the 40-cent lower Class III price on certain products would be on those producers who have not been bearing any of the costs of operating manufacturing facilities or of diverting or transferring milk to nonpool plants for manufacturing use. Such producers would now bear some of the costs of disposing of the market's reserve milk supplies through a reduction in the blend price. These producers who are on the Texas market offered no oppostion testimony to AMPI's proposal.

Several of the briefs indicated that some confusion exists regarding how the balancing oosts would be distributed among producers under a lower Class III price. This shifting of costs among producers can best be illustrated through the following example: Assume that the Class III price had been lowered 40 cents per hundredweight for the period of April 16 through June 30, 1982. The lower price would have applied to 173.5 million pounds of producer milk used to produce butter, nonfat dry milk and cheddar cheese during that period. On this basis, the pool proceeds would have been decreased $694,000. Assuming that its member producers

supplied two-thirds of the market's fluid milk, AMPI would have received $462,667 less money from the pool proceeds while all other producers would have received $231,333 less from the pool proceeds.

AMPI's net gain through the shifting of some of the balancing cost to others depends on the volume of Class III milk that the cooperative processes. Assuming that AMPI processed 80 percent of the producer milk used to produce butter, nonfat dry milk and cheddar cheese during the April 16–June 30, 1982, period and that its losses averaged 40 cents per hundredweight, the cooperative's losses (or reduction in payments to member producers) would have amounted to $555,200. The implementation of a price decrease of 40 cents per hundredweight, however, would have eliminated AMPI's manufacturing loss of $555,200. On the other hand, it would have resulted in a reduction in pool proceeds amounting to $462,667 that otherwise would have accrued to AMPI. Thus, the net gain to AMPI through the lower Class III price in this example would have been $92,533 ($555,200–$462,667).

Although AMPI proposed that a 40-cent price reduction be adopted on a permanent basis, a lower price should apply only for a limited period. As indicated earlier, the price reduction should apply as soon as this amendatory proceeding can be completed and should continue through June 30, 1983. As proposed by AMPI, the price reduction would have applied during March, April, May, June, and December of each year.

A permanent price reduction of a fixed amount would not be reflective on a continuing basis of the costs associated with the handling of surplus milk. Operating losses at AMPI's manufacturing plants in the Texas market, for example, averaged 51 cents per hundredweight in 1981 and 37 cents during the first 11 months of 1982. Data for other years are not available in the record. However, it is apparent that operating costs vary from year to year. This may be due to any number of factors that are subject to change, including milk volumes handled, interest costs, and various plant costs such as labor, utilities, and equipment. Under these circumstances, there is little likelihood that a fixed price reduction would be commensurate from year to year with actual operating costs.

Another concern with AMPI's proposal is the lack of any direct relationship of the 40-cent reduction with the actual costs of providing milk supply balancing services in the market. The seasonal balancing burden pertains to the handling of the increased volume of milk that needs to be processed into storable Class III products during the period when milk production is at its season high level. A major cost in handling such milk supplies is the need to maintain plant capacity to process the seasonally higher volume of Class III milk. The record contains no indication of AMPI's cost of maintaining plant processing capacity. Additionally the 40-cent reduction in price on the total volume of milk used to produce butter, nonfat dry milk and cheddar cheese does not differentiate between handlers who are performing seasonal balancing and handlers who may be processing a relatively uniform volume of Class III milk on a year-round basis.

Providing for some means of having all producers share more equitably in the cost of disposing of the market's reserve milk supplies is not unreasonable under current marketing conditions. However, the manner in which this should be carried out under the order is less certain. Because of the concerns just expressed, it is concluded that the price reduction proposed by AMPI should apply only for a limited time. The initial thrust of AMPI's proposal was to deal with the handling of surplus milk during the current flush period of March through June. As provided herein, the adopted price reduction would apply only through that period.

Opposition testimony to making any changes in the level of the Texas Class III price came primarily from dairy farmer organizations in Minnesota and Wisconsin. Their opposition stemmed from concerns that lowering the Texas Class III price as AMPI proposed would tend to result in a lowering of the finished product prices in the national market. Also, they argued that a lower Class III price under the Texas order would place handlers outside the market at a competitive disadvantage in competing for hard product sales in the Texas market.

There is no basis for concluding that the limited price reduction adopted herein would result in the lowering of the market prices for butter, nonfat dry milk, or cheddar cheese, either in the national market or locally. At most, the price reduction would apply for no more than two and one-half months. Although the record does not provide monthly data on AMPI's operating losses, it is not likely that this limited price relief would offset the cooperative's operating losses to the point that AMPI could afford to lower its sales on the hard products that it manufactures. Moreover, there would be little incentive now for AMPI to lower its product prices below the current national market levels. Such levels are now floored in effect at the levels established under the dairy price support program, and such products may be offered to the Government at these price levels at any time. Furthermore, even if AMPI were to sell products at prices below the national levels, the impact on the national market would be minimal. This is because the volume of milk in the Texas market that is used in butter, nonfat dry milk, and cheddar cheese is very small relative to the quantity of milk used nationally in such products.

Another reason advanced by opponents for not taking any action is that marketing conditions have not changed materially since 1975 when six orders were merged into the present Texas order. Opponents pointed out that AMPI's share of the market's milk supply and of the market's processing of Class III milk have not changed during such period of time.

Although AMPI's share of the market has changed little, this does not negate the fact that AMPI is bearing a disproportionate share of the balancing costs of the market. Furthermore, balancing activities are made more difficult this year by the heavy milk supplies in the market. There will be considerable milk in excess of the fluid milk requirements of handlers during the current year's flush production months. This is the result of producer receipts increasing at a faster rate than Class I sales. From 1980 to 1982, producer receipts increased by 17 percent while Class I sales increased by 5.2 percent. As a consequence, the utilization of producer milk in Class III uses increased from 11.8 percent in 1980 to 14.3 percent in 1981 and to 19.3 percent in 1982.

Opponents of a reduction in the Class III price also held that AMPI is not obligated to balance the fluid milk needs of handlers in this market. They contended that AMPI voluntarily assumed these responsibilities and, therefore, should bear the consequences of such action.

How the current balancing arrangements came about has little relevance to the issue at hand. The fact is that AMPI is providing the major balancing function for the Texas market. Other cooperatives, nonmember producers, and handlers are operating under these balancing arrangements and are benefiting from the balancing activities of AMPI without bearing any of the attendant costs. It is not unreasonable for such costs to be shared more equally by all producers in the market.

A further argument advanced by opponents is that the balancing costs

should be borne by the distributing plant operators. To some degree, the costs of balancing the market supplies with demand are now being assessed to distributing plant operators by means of over-order charges imposed by cooperatives on milk sold to the distributors. Proponent cooperative indicated, however, that the over-order charges are not sufficient to cover all losses incurrred in its manufacturing operations. The cooperative contends that the over-order changes are sufficient to cover only the cost of moving milk within the Texas market from areas of surplus production to deficit areas. Under these cricumstances, a temporary price reduction on surplus milk is appropriate.

As provided herein, the price reduction of 40 cents per hundredweight on producer milk utilized in the manufacture of butter, nonfat dry milk and cheddar cheese would be implemented by providing for a 40-cent credit in § 1126.60 of the order, which deals with a handler's value of milk for computing the uniform price. In the event that a pool plant or nonpool plant utilizes producer milk as well as milk receipts from other sources in the manufacture of butter, nonfat dry milk and cheddar cheese, the amount of producer milk eligible for a 40-cent lower price would be determined by assigning the quantity of skim milk and butterfat utilized in the production of such products pro rata to the pounds of producer milk and the pounds of milk receipts from all other sources at such plant.

2. *Omission of a recommended decision and the opportunity to file exceptions thereto.* The omission of a recommended decision was proposed at the hearing by the proponent of proposals 1, 2 and 3.

Proponent cooperative indicated that its cost of operating balancing plants will increase substantially beginning in March 1983. For this reason, the cooperative requested that the Department adopt its proposals on an emergency basis to insure that all producers share as soon as possible in the anticipated high costs of marketing the surplus milk supplies under the Texas order.

Opponents of the proposed price reduction contended that no emergency conditions exist. It is their position that the conditions for which relief was requested have been in existence since 1975. Opponents point out, too, that although the losses incurred by the cooperative in its balancing functions were higher in 1981 than 1982, the cooperative did not request any relief until this year.

As indicated earlier, the order changes adopted herein are necessary to reflect current marketing conditions and to insure that all producers share to a greater extent in the costs of handling greater than usual milk supplies during the current flush production months. Emergency action is necessary if any substantive relief is to be afforded those handling the surplus milk supplies this spring. If the normal procedure of issuing a recommended decision and providing time to file exceptions thereto were followed, a reduction in price could not be made effective on a timely basis.

It is therefore found that due and timely execution of the Secretary's function in this proceeding imperatively and unavoidably requires omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof is an ORDER amending the order regulating the handling of milk in the Texas marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

January 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Texas marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on April 11, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order, Regulating the Handling of Milk in the Texas Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA

In § 1126.60, a new paragraph (h) is added to read as follows:

practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1126.60 Handler's value of milk for computing uniform price.

* * * * *

(h) From the effective date of this amendatory action through June 30, 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheddar cheese by 40 cents per hundredweight.

[FR Doc. 83-10000 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Options on Futures; Margins; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and request for comment; extension of comment period.

SUMMARY: On March 15, 1983, the Commission published in the **Federal Register** notice that the Commission is reviewing certain requirements it has imposed regarding the margining of futures option contracts in connection with the domestic exchange-traded commodity option pilot program and requested public comment thereon, in particular, on a list of specific issues relating thereto. 48 FR 10857 (March 15, 1983). The comment period is due to expire on April 14, 1983.

The Commission has received several requests for an extension of the comment period. Because it wishes to ensure that all interested persons have an opportunity to prepare and submit informative comments, the Commission has determined to extend the comment period for an additional forty-five days.

DATE: The comment period has been extended through May 29, 1983.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets at the above address. Telephone: (202) 254-8955.

List of Subjects in 17 CFR Part 33

Commodity options.

Issued in Washington, D.C. on April 12, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 10094 Filed 4-14-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. 82N-0179]

Proposed Reclassification of Daily Wear Optically Spherical Hydrogel (Soft) Contact Lenses; Reopening of Comment Period; Advance Notice of Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period; advance notice of public hearing.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period in the rulemaking on the proposed reclassification of certain daily wear optically spherical hydrogel (soft) contact lenses from class III (premarket approval) into class I (general controls). FDA is reopening the comment period for the limited purpose of receiving additional information on certain specified issues. FDA also intends to hold a public hearing on this matter at a time and place to be announced in a future issue of the **Federal Register.**

DATE: Comments by May 16, 1983.

ADDRESS: Written comments may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Albert Van De Griek, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION:

In the **Federal Register** of November 26, 1982 (47 FR 53411), FDA published a proposed rule to reclassify certain marketed daily wear optically spherical hydrogel (soft) contact lenses from class III (premarket approval) into class I (general controls), under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)), based on new information respecting these devices. The proposal gave interested persons until December 27, 1982, to submit written comments. In the **Federal**

Register of December 10, 1982 (47 FR 55497). FDA extended the comment period until January 26, 1983.

FDA has completed a preliminary review of the comments received during the comment period on the proposed rule. The comments submitted present contrasting views on some complex issues relevant to the proposed reclassification, but do not always provide the evidence necessary to support these views. FDA believes that resolution of the issues raised by the proposal and the comments would be facilitated by reopening the comment period for the limited purpose of receiving additional information on the specific issues discussed below in this document. FDA emphasizes that it is particularly interested in receiving clinical data, reports of relevant invitro and nonclinical laboratory safety data, copies of articles from referred journals, and other valid scientific evidence within the meaning of § 860.7(c) of FDA's regulations governing classification of medical devices (21 CFR 860.7(c)), in support of any comments. All comments, data, and other evidence submitted in response to this document will be included in the docket file in this matter and will be available for public disclosure.

FDA recognizes that to reclassify the contact lenses at issue in this rulemaking from class III into class I, it must have new, publicly available, valid scientific evidence of safety and effectiveness demonstrating why the lenses should not remain in class III and why the "general controls" authorized by the act will provide reasonable assurance of the safety and effectiveness of the lenses. See section 513(e) of the act and § 860.123 of the regulations governing reclassification of medical devices (21 CFR 860.123). Although this notice requests specific evidence showing why the lenses should not be reclassified, as well as evidence showing why they should be reclassified, FDA has not shifted the burden of proof to those opposing reclassification. FDA has concluded that additional evidence, both favorable and unfavorable to reclassification, is desirable to reach a sound decision on the complex issues involved in the rulemaking.

1. Many comments in support of reclassification of a specific lens identified in the proposal claimed that there are sufficient data to show that class I would provide reasonable assurance of the safety and effectiveness of the lens, but did not include any data in support of their positions. To support or refute the claims that reclassification of any specific lens is appropriate, valid scientific evidence, within the meaning of § 860.7(c), particularly clinical data, should be submitted.

2. Many comments suggest that even if there is valid scientific evidence of the safety and effectiveness of the currently marketed lenses identified in the proposal, reclassification into class I is inappropriate for these lenses because the data necessary to determine whether a new hydrogel (soft) contact lens is substantially equivalent to a reclassified lens will be of the type required to show safety and effectiveness in a premarket approval application. These comments claim that clinical trials will be necessary to demonstrate the safety and effectiveness of any new hydrogel (soft) contact lens, even if the lens is made of materials specified in any final classification regulation and its measured and labeled specifications are similar to those of a reclassified lens.

For example, one comment claims that there is factual evidence showing poor correlation between the clinical performance of a contact lens and the measured or labeled parameters of that contact lens. However, the factual evidence to support this claim is not provided. Some comments claim that minor variations in lens formulation, geometry, or manufacturing process can alter the characteristics of a lens, including lens fit and tear lubricating and pumping action, resulting in a change in safety or effectiveness that cannot be predicted by laboratory or animal testing. However, the comments do not include evidence in support of this claim.

To support or refute the claim that clinical trials are always necessary to establish the safety and effectiveness of a hydrogel (soft) contact lens, valid scentific evidence within the meaning of § 860.7(c), including published studies, data from research and development programs, data on toxicity and biocompatability, or other specific information, should be submitted. FDA is particularly interested in receiving evidence that (a) demonstrates which, if any, changes in lens formulation, geometry, or in manufacturing process require clinical testing to provide reasonable assurance of the safety and effectiveness of the resulting lens, and which changes do not require clinical testing; and (b) defines the necessary scope of any clinical testing that is required.

3. One comment stated that there have been very few product liability actions based on injuries resulting from the use of contact lenses. To support or refute this comment, evidence, e.g., insurance records or data on the incidence of adverse effects from the use of the hydrogel (soft) contact lenses identified in the proposal, should be submitted.

4. In the notice proposing reclassification, FDA stated that any final rule reclassifying the lenses would not exempt tinted contact lenses from the color additive provisions in section 706 of the act (21 U.S.C. 376), because regardless of the class the lenses are in, if a color additive in such a lens comes in direct contact with the body for a significant period of time, the color additive is subject to regulation under section 706. On the basis of its experience, FDA believes that as most tinted contact lenses are fabricated, the color added to the lenses comes in direct contact with the human eye. Because such lenses are intended for daily wear for the lifetime of the lens, FDA believes that the contact is for a signficant period of time. FDA has received several comments on the regulation of tints in contact lenses. The comments argue on various grounds that colors added to contact lenses are not subject to section 706. Evidence that the color added to any lens proposed for reclassification does not come in direct contact with the human eye should be submitted.

FDA believes that reopening the comment period to receive information on the issues specified in this notice will not delay final action on the proposed reclassification, but will expedite resolution of the complex issues involved in the rulemaking.

FDA has received two requests for a public hearing on the proposal to reclassify daily wear optically spherical hydrogel (soft) contact lenses and on other matters related to contact lenses. FDA is granting these requests insofar as they relate to reclassification. FDA will hold a public hearing before the Commissioner on the proposed reclassification under Part 15 of FDA's administrative practices and procedures regulations (21 CFR Part 15). FDA will announce the time and place of the hearing, the issues to be considered, and other details in a notice published in a future issue of the Federal Register.

Interested persons may, on or before May 16, 1983, submit to the Dockets Management Branch (address above) written comments on this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this

document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10196 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 886

[Docket No. 82N-0180]

Proposed Reclassification of Daily Wear Spherical Contact Lenses Consisting of Rigid Gas Permeable Plastic Materials; Reopening of Comment Period; Advance Notice of Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period; advance notice of public hearing.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period in the rulemaking on the proposed reclassification of daily wear spherical contact lenses consisting of certain rigid gas permeable plastic materials from class III (premarket approval) into class I (general controls). FDA is reopening the comment period for the limited purpose of receiving additional information on certain specified issues. FDA also intends to hold a public hearing on this matter at a time and place to be announced in a future issue of the **Federal Register**.

DATE: Comments by May 16, 1983.

ADDRESS: Written comments may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Albert Van De Griek, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: In the Federal **Register** of November 26, 1982 (47 FR 53402), FDA published a proposed rule to reclassify marketed daily wear spherical contact lenses consisting of certain rigid gas permeable plastic materials from class III (premarket approval) into class I (general controls), under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)), based on new information respecting the devices. The proposal gave interested persons until December 27, 1982, to submit written comments. In the **Federal Register** of December 10, 1982 (47 FR 55497), FDA extended the comment period until January 26, 1983.

FDA has completed a preliminary review of the comments received during the comment period on the proposed rule. The comments submitted present contrasting views on some complex issues relevant to the proposed reclassification, but do not always provide the evidence necessary to support these views. FDA believes that resolution of the issues raised by the proposal and the comments would be facilitated by reopening the comment period for the limited purpose of receiving additional information on the specific issues discussed below in this document. FDA emphasizes that it is particularly interested in receiving clinical data, reports of relevant in vitro and non-clinical laboratory safety data, copies of articles from refered journals, and other valid scientific evidence within the meaning of § 860.7(c) of FDA's regulations governing classification of medical devices (21 CFR 860.7(c)), in support of any comments. All comments, data, and other evidence submitted in response to this document will be included in the docket file in this matter and will be available for public disclosure.

FDA recognizes that to reclassify the contact lenses at issue in this rulemaking from class III into class I, it must have new, publicly available, valid scientific evidence of safety and effectiveness demonstrating why the lenses should not remain in class III and why the "general controls" authorized by the act will provide reasonable assurance of the safety and effectiveness of the lenses. See section 513(e) of the act and § 860.123 of the regulations governing reclassification of medical devices (21 CFR 860.123). Although this notice requests specific evidence showing why the lenses should not be reclassified, as well as evidence showing why they should be reclassified, FDA has not shifted the burden of proof to those opposing reclassification. FDA has concluded that additional evidence, both favorable and unfavorable to reclassification, is desirable to reach a sound decision on the complex issues involved in the rulemaking.

1. Some comments support the reclassification of a specific lens, or lenses composed of a specific family of materials, e.g., polyacrylate-silicone, stating that there are sufficient data to show that class I would provide reasonable assurance of the safety and effectiveness of the lenses, but do not include any data in support of their positions. Two comments include summaries of clinical studies, but do not provide complete data on the studies. To support or refute such comments, valid scientific evidence, within the meaning of § 860.7(c), particularly clinical data, should be submitted.

2. Many comments suggest that even if there is valid scientific evidence of the safety and effectiveness of the currently marketed lenses identified in the proposal, reclassification into class I is inappropriate because the data necessary to determine whether a new rigid gas permeable contact lens is substantially equivalent to a reclassified lens will be of the type required to show safety and effectiveness in a premarket approval application. These comments claim that clinical trials will be necessary to demonstrate the safety and effectiveness of any new rigid gas permeable contact lens, even if the lens is made of materials specified in any final classification regulation and the specifications of the new lens are similar to those of a reclassified lens.

For example, some comments argue that small changes in polymers other than polymethyl-methacrylate (PMMA) or in the ratio of polymer constituents could change characteristics affecting the safety and effectiveness of the lens, including oxygen and glucose flux, friability, surface characteristics, and resulting vision, which, in the absence of clinical data, would not be detected. The comments also argue that lenses in which changes have been made in other ingredients, such as cross-linking agents, wetting agents, and colors, or changes in the manufacturing process, must be clinically tested to provide reasonable assurance of the lenses' safety and effectiveness. Other comments argue that clinical trials of new lenses are necessary to provide reasonable assurance of safety and effectiveness, because small changes in lens material or lens geometry may result in unpredictable lens fit or in poor tear lubricating, and pumping action.

To support or refute the claim that clinical trials are always necessary to establish the safety and effectiveness of a gas permeable contact lens, valid scientific evidence within the meaning of § 860.7(c), including published studies, data from research and development programs, data on toxicity and biocompatability, or other specific information, should be submitted. FDA is particularly interested in receiving evidence that (a) demonstrates which, if any, changes in lens formulation, geometry, or in manufacturing process require clinical testing to provide reasonable assurance of the safety and effectiveness of the resulting lens and which changes do not require clinical

testing; and (b) defines the necessary scope of any clinical testing that is required.

3. One comment stated that acrylate-silicone copolymers are nontoxic, stable, and gas permeable, and suitable for making contact lenses, if they are made from organosilicone monomers consisting of the "bone structure of acryloxy or methacryloxy connecting through the alkyl group to the silicone (siloxanyl groups)" with hydrogen, methyl groups, ethyl groups, phenyl groups, or cyclic groups attached to the silicone. If such monomers are copolymerized with a hardening monomer such as methyl acrylate, methyl methacrylate, ethyl acrylate, ethyl methacrylate, cyclohexyl methacrylate, phenyl methacrylate, or *N*-vinyl pyrrolidinone, this comment argued, the copolymer can be sufficiently cross-linked to achieve the desired stability to produce a material suitable for making safe and effective gas permeable contact lenses, by incorporating various available cross-linking monomers on the market. To support or refute this claim, valid scientific evidence, within the meaning of § 860.7(c), should be submitted.

4. One comment stated that there have been very few product liability actions based on injuries resulting from the use of contact lenses. To support or refute this comment, evidence, e.g., insurance records, or data on the incidence of adverse effects from the use of the rigid gas permeable contact lenses identified in the proposal, should be submitted.

5. In the notice proposing reclassification, FDA stated that any final rule reclassifying the lenses would not exempt tinted contact lenses from the color additive provisions in section 706 of the act (21 U.S.C. 376), because regardless of the class the lenses are in, if a color additive in such a lens comes in direct contact with the body for a significant period of time, the color additive is subject to regulation under section 706. On the basis of its experience, FDA believes that as most tinted contact lenses are fabricated, the color added to the lenses comes in direct contact with the human eye. Because such lenses are intended for daily wear for the lifetime of the lens, FDA believes that the contact is for a significant period of time. FDA has received several comments on the regulation of tints in contact lenses. These comments argue on various grounds that colors added to contact lenses are not subject to section 706. Evidence that the color added to any lens proposed for reclassification does not come in direct contact with the human eye should be submitted.

FDA believes that reopening the comment period to receive information on the issues specified in this notice will not delay final action on the proposed reclassification, but will expedite resolution of the complex issues involved in the rulemaking.

FDA has received two requests for a public hearing on the proposal to reclassify daily wear spherical contact lenses consisiting of rigid gas permeable plastic materials and on other matters related to contact lenses. FDA is granting these requests insofar as they relate to reclassification. FDA will hold a public hearing before the Commissioner on the proposed reclassification under Part 15 of FDA's administrative practices and procedures regulations (21 CFR Part 15). FDA will announce the time and place of the hearing, the issues to be considered, and other details in a notice published in a future issue of the **Federal Register.**

Interested persons may, on or before May 16, 1983, submit to the Dockets Management Branch (address above) written comments on this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10199 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 939

Permanent State Regulatory Program of Pennsylvania

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for Pennsylvania to meet certain conditions of its approved State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These conditions relate to archeological information in permit applications, historic land use information in permit applications for anthracite mining operations, preparation of the general plan for impoundments, maps for anthracite and bituminous underground mining operations, existing non-conforming structures, impoundment requirements, variances to approximate original contour in non-steep slope areas, vegetative cover for underground mining operations, abatement times in excess of 90 days, and review of permits for patterns of violation.

DATE: Comments must be received by May 2, 1983, at the address below, no later than 4:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17104.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101, (717-782-4036).

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiences are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the Program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general

background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050).

On March 24, 1983, OSM received a letter from the Commonwealth of Pennsylvania, requesting an additional 6 months to satisfy conditions (a), (b), (c), (e), (f), (g), (h) and (j). By the terms of the conditional approval, these conditions are to be met by May 1, 1983. The State explains that because of the recently passed Regulatory Review Act, which took effect on March 1, 1983, proposed regulations must be submitted to both houses of the Pennsylvania General Assembly and an Independent Regulatory Review Commission prior to adoption. Proposed regulations can be disapproved by either the General Assembly or the Commission. Since portions of these conditions may require regulatory changes, and such revisions must be submitted to the General Assembly and the Commission, Pennsylvania claims it is highly unlikely that the State will be able to meet the May 1, 1983, deadline for these conditions.

Therefore, the Secretary proposes to allow the State until November 1, 1983, to meet the following conditions: (a) On archeological information in permit applications, and historic land use information in permit applications for anthracite mining operations; (b) on preparation of the general plan for impoundments; (c) on maps for anthracite and bituminous underground mining operations; (e) on existing non-conforming structures; (f) on impoundment requirements; (g) on variances to approximate original contour in non-steep slope areas; (h) on vegetative cover for underground mining operations; and (j) on abatement times in excess of 90 days, and review of permits for patterns of violation.

The Secretary is continuing to review with the State all of the outstanding program conditions. A final rule implementing this proposed extension may, in response to public comment, be different than the one proposed in this notice.

Additional Information

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1983.

J. R. Harris,

Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T, Part 938:

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

30 CFR 938.11 (a), (b), (c), (e), (f), (g), (h) and (j) are proposed to be amended by substituting "November 1, 1983", for May 1, 1983, each time it appears.

[FR Doc. 83-10135 Filed 4-14-83; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 950

Public Comment and Opportunity for Public Hearing on Modified Portions of the Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the State of Wyoming as modifications to the Wyoming Permanent Regulatory program (hereinafter referred to as the Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments are submitted (1) to satisfy one condition imposed by the Secretary of the Interior in the approval of the Wyoming program, relating to the judicial grant of temporary relief, and (2) as further modifications to definitions, permit application review procedures and bonding provisions contained in the Wyoming program.

This notice sets forth the times and locations that the Wyoming program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., May 16, 1983, to be considered.

A public hearing on the proposed modifications will be held on request only, on April 25, 1983, from 10:00 a.m. to 1:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact William Thomas at the address and phone number listed below by the close of business *four working days* before the date of the hearing. If no one has contacted Mr. Thomas to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: William Thomas, Director, Wyoming Field Office, Office of Surface Mining, P.O. Box 1420, Freeden Building, Mills, Wyoming 82644.

The public hearing, if held, will be at the Bureau of Reclamation Office, Room W-11, 650 Pendell Boulevard, Mills, Wyoming.

Copies of the Wyoming program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Wyoming Field Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Wyoming Field Office, Office of Surface Mining, 935 Pendell Boulevard, Freeden Building, Mills, Wyoming 82644.

Wyoming Department of Environmental Quality, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 82002.

FOR FURTHER INFORMATION CONTACT: William Thomas, Director, Wyoming Field Office, P.O. Box 1420, Freeden Building, Mills, Wyoming 82644, Telephone: (307) 328-5830.

SUPPLEMENTARY INFORMATION: On August 15, 1979, OSM received a proposed regulatory program from the State of Wyoming. Following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary determined that certain parts of the Wyoming program met the minimum requirements of SMCRA and the Federal permanent regulations and that others did not. Accordingly, the Secretary approved the Wyoming program in part on February 15, 1980. The State of Wyoming resubmitted its program for approval on May 30, 1980. Following a review of the resubmitted program, the Secretary approved the program subject to the correction of seven minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 26, 1980 **Federal Register** (45 FR 78637-78684).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Wyoming program can be found in the November 26, 1980 **Federal Register.**

In accepting the Secretary's conditional approval, Wyoming agreed to correct the seven deficiencies by March 26, 1981. On October 30, 1981, the Secretary extended the date by which Wyoming was required to satisfy conditions "b" and "c" to May 26, 1982 (46 FR 54070-54071). On February 18, 1982, the Secretary published notification (47 FR 7218) approving modifications to the Wyoming program, satisfying conditions "a", "d", "e" and "f" and extending the date by which the State is required to satisfy condition "g" until May 20, 1983.

Deficiency (g) of the Wyoming program for which the Secretary required correction as a condition of approval was as follows:

(g) Wyoming had not demonstrated that its law and practice are in accordance with Section 526(c) of SMCRA with respect to its judicial grant of temporary relief.

Submission of Material To Satisfy Condition and Additional Program Amendments

Wyoming has agreed to correct deficiency (g) by submitting to the Secretary by May 20, 1983, legislation which is consistent with SMCRA Section 526(c). By letter dated March 3, 1983, Wyoming submitted the following amendment to W.S. 35-11-1001(c) to satisfy this deficiency.

(c) In a proceeding to review any order or decision of the department providing for regulation of surface coal mining and reclamation operations in accordance with P.L. 95-87, the court may under conditions it prescribes grant temporary relief pending final determination of the review proceeding if:

(i) All parties to the proceedings were notified and given opportunity for hearing on the request for temporary relief;

(ii) The party requesting relief shows there is a substantial likelihood he will prevail on the final determination of the proceeding; and

(iii) The relief will not adversely affect the public health and safety or cause significant environmental harm to land, air or water resources.

The Secretary seeks public comment on whether the legislation submitted satisfies this condition. If this program amendment is approved, condition (g) in 30 CFR 950.11 will be eliminated.

By letters dated March 3, 8, and 21, 1983, OSM received from the State of Wyoming, pursuant to the 30 CFR 732.17 procedures, the following proposed revisions to the State program:

1. Revisions to W.S. 35-11-103(e)(xxii) and (xxiii), modifying the definition of "complete application" and creating definitions of "deficiency" in a permit and "interim mine stabilization".

2. Revisions to W.S. 35-11-406(h), clarifying the action to be taken if a permit application is found to be deficient.

3. A revision to W.S. 35-11-401, creating a new subsection (n), directing the administrator and director to consider interim mine stabilization in promulgating regulations.

4. Revisions to Chapter I, Section 2; Chaper XIII, Section 2; and Chapter XVI of the Wyoming surface mining regulations to establish a dual bonding system for surface coal mining operations. Under the proposal, both an area bond and an incremental bond would be required. The area bond would cover rough backfilling work required to render the affected land in a condition so that the reclaimed land surface generally resembles the approved postmining reclamation contours. The incremental bond would cover all the remaining reclamation requirements such as topsoil replacement, revegetation and sediment control measures. Both bonds would be required to be renewed each year with public participation provided. The area bond would cover primarily the work to be done within the next annual bonding period. The incremental bond would cover both past and present work unless bond release occurs pursuant to Chapter XVI of the Wyoming Environmental Quality Act. Neither bond can be reduced outside the bond release procedures unless the operator demonstrates that costs are less than what were originally proposed, based on a change in method of operation or a decrease in the number of acres projected to be disturbed.

OSM seeks public comment on these proposed amendments to the Wyoming program. If these amendments are approved, they will become part of the Wyoming program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need the prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule would not have a significant economic effect on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-10158 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL 2347-1]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by the Pennsylvania Department of Environmental Resources to York Division, Borg-Warner Corporation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to York Division, Borg-Warner Corporation. The order requires the company to bring air emissions from its refrigeration equipment manufacturing facility in Spring Garden Township, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by April 21, 1984. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph S. Arena, Environmental Scientist, Air Enforcement Section, Air and Waste Management Division, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597–4561.

SUPPLEMENTARY INFORMATION: York Division, Borg-Warner Corporation operates a refrigeration equipment manufacturing facility at Spring Garden Township Pennsylvania. The order under consideration addresses emissions from its surface coating processes, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emissions of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by April 21, 1984 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any non-compliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: April 4, 1983.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 83-10072 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1 and 97

[PR Docket No. 83-27; RM-4229]

Use of Volunteers To Prepare and Administer Operator Examinations in the Amateur Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This document extends the time for filing comments and reply comments to the *Notice of Proposed Rule Making* in this proceeding which concerns the use of volunteers to prepare and administer operator examinations. This action was taken to afford major representative Amateur Radio Operator organizations an adequate opportunity to fully comment upon the matters in the proceeding.

DATE: Comments are now due by April 25, 1983 and replies by May 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Special Services Division, (202) 632–4964.

Order

In the matter of an amendment of Parts 0, 1 and 97 of the Commission's Rules to allow the use of volunteers to prepare and administer operator examinations in the Amateur Radio Service; PR Docket No. 83–27, RM–4229.

Adopted: April 8, 1983.

Released: April 8, 1983.

By the Chief, Private Radio Bureau.

The Quarter-Century Wireless Association (QCWA) has filed a motion for extension of time for filing comments and reply comments in this proceeding. The *Notice of Proposed Rule Making* in this proceeding, 48 FR 8090 (February 25, 1983), specified that comments were to be filed on or before April 8, 1983, and that reply comments were to be filed on or before May 9, 1983. QCWA has requested that the comment and reply comment dates be extended to April 25, 1983, and May 19, 1983, respectively.

QCWA has stated its reasons for seeking this extension as the illness of its Vice-President, who has primary responsibilty for preparing comments in this matter, and the meeting of its Board of Directors scheduled for April 8, 1983, to discuss this proceeding. QCWA has

represented that the American Radio Relay League (the League) supports this request for extension of time because it intends to hold a Board of Directors meeting on April 21 and 22, 1983, to resolve final details of its position on this Docket.

QCWA is an international association of Amateur Radio operators whose members, numbering approximately 10,000, were each licensed more than 25 years ago. The League has the largest membership of any Amateur Radio organization in the United States. The views of these two organizations and their members are important in making the public interest determinations required in this proceeding.

Accordingly, for good cause shown, and because it will best conduce to the proper dispatch of business and to the ends of justice, the Motion for Extension of Time for Filing Comments in this proceeding made by the Quarter-Century Wireless Associaton (QCWA) is hereby granted. Interested persons may now file comments in this proceeding on or before April 25, 1983, and reply comments on or before May 19, 1983.

Authority for this action is contained in Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r), and in §§ 0.131 and 0.331 of the Commission's Rules, 47 CFR 0.131 and 0.331.

For further information contact John J. Borkowski, (202) 632-4964.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 83-9973 Filed 4-14-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 15

[Gen. Docket No. 83-325; RM-4062; RM-4075; FCC 83-112]

Interim Provisions for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The Commission proposes to establish a new section under Part 15 which will provide 10 duplex channels (20 frequencies) for the operation of cordless telephones. This group of frequencies will include 10 from the Government's 46.6-47.0 MHz band and 10 from the Government's 49.6-50.0 MHz band. The technical standards proposed are very similar to the present standards for the operation of a low power communications device on the present 5 frequencies in the 49.6-50.0 MHz band. Manufacturing and importing of cordless telephones under this new provision will be limited to five years from the date the rules becomes effective. Marketing will cease one year after manufacturing and importation ceases. This action is necessary to accommodate the rapid growth of cordless telephones. The effect of this proposal will be to provide additional channels for use by cordless telephones while the Commission finds a more suitable long-term location for these devices.

DATES: Comments are due on or before May 19, 1983. Reply comments are due on or before June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Julius Knapp, Office of Science and Technology, 2025 "M" Street NW., Washington, D.C. 20554, (202) 653-8247.

List of Subjects in 47 CFR Part 15

Cordless telephone, Communications equipment.

In the matter of amendment of Part 15 to add new interim provisions for cordless telephones (General Docket No. 83-325; RM-4062; RM-4075; FCC 83-112).

Adopted: March 31, 1983.
Released: April 12, 1983.

By the Commission.

1. Notice is hereby given of the Commission's intention to amend Part 15 of its Rules to provide additional interim frequencies and technical standards for the operation of cordless telephones. If this proposal is adopted, cordless telephones operating on frequencies in the low VHF band would be made available to consumers, while the Commission considers a permanent frequency allocation for these devices.

2. A cordless telephone is a two-way low power communication system designed to eliminate the connecting handset cord of the standard telephone, thus allowing the user the freedom of movement without being confined by a connecting wire. It operates in a full duplex mode. i.e., it is capable of simultaneously transmitting and receiving radio signals, allowing a continuous conversation between both parties of the conversation. This method of operation requires the use of two frequencies of each cordless telephone system. The system includes a base station low power transmitter and receiver connected to the telephone network and a portable handset that also incorporates a low power transmitter and receiver.

3. Most of the cordless telephones marketed today operate in the duplex mode on no more than five channels at 49 MHz for the handset transmitter and 1.7 MHz for the base station transmitter, the latter using carrier current techniques. Under the present Commission Rules, both base station and portable transmitter may be operated without an individual license, provided each transmitter complies with the technical and administrative requirements contained in Part 15 of the Commission's Rules. The 49 MHz transmitter and receiver are subject to the technical and certification requirements in Subparts C and D of Part 15, respectively. Absent a waiver from the Commission the transmitter portion of the base station is subject to § 15.7 of the Rules, which limits the level of RF energy radiated from any part of the system.[1] The rules effectively limit the range of cordless telephones to less than 500 feet.

4. In early 1982, the Commission received two petitions requesting the allocation of frequencies to provide twenty-five to thirty channels for cordless telephones and requesting adoption of rules for these devices. The Mura Corporation (Mura) asked the Commission to permit the operation of cordless telephones in the frequency band 46.6-47.0 MHz and 49.6-50.0 MHz and proposed technical specifications essentially the same as those in Part 15 of the Commission's Rules for low power communications devices operating at 49 MHz.[2] The Personal Communications Section of the Communication Division of the Electronics Industries Association (EIA) requested use of the same frequency bands and also requested the bands 74.6-74.8 MHz and 75.2-75.4 MHz for cordless telephones.[3] The petitioners gave three overriding reasons to justify their requests. First, there has been an enormous escalation of consumer demand for cordless telephones. This growth is expected to continue. An industry survey estimates ten million cordless telephones will be on the market by 1987. Because of this expected growth, the small number of

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[1] A more complete description of the operation of cordless telephones and the present rules under which they operate is given in the *ORDER GRANTING CONDITIONAL WAIVER*, Adopted September 29, 1982, released October 4, 1982, 48 FR 4788. The *Order* was in response to Petitions filed by the American Telecommunications Corporation and the Electronics Industries Association concerning the application of § 15.7 of FCC Rules to cordless telephones.

[2] Petition filed by the Mura Corporation on February 26, 1982, designated RM-4062, requesting amendment of Part 15 re use of 46.6-47.0 MHz and 49.6-50.0 MHz bands for cordless telephones.

[3] Petition filed by the Personal Communications Section of the Communication Division of the Electronics Industry Association (EIA) on March 10, 1982, designated RM-4075, requesting the allocation of new frequencies for cordless telephones.

channels permitted under the present rules are considered to be inadequate to avoid overcongestion and mutual interference, which the petitioners claim is already beginning to occur. Second, the contemplated reallocation to broadcasting of the band 1.6–1.7 MHz now used for base station operation will render existing cordless telephone frequencies inadequate and obsolete.[4] Third, the 1.7 MHz band is technically not the best band for cordless telephones.

5. The following parties filed comments supporting the request for additional frequencies: Uniden Corporation of America; Mura Corporation; The Personal Communications Section of the Communications Division of the Electronics Industries Association; GTE Service Corporation; American Radio Relay League, Inc., American Telephone and Telegraph Company; and the Electra Company.

6. Various parties, however, took exceptions to parts of the petitions filed by Mura and EIA. GTE, for example, recommended 30 kHz channel spacing instead of the 15 kHz spacing recommended by Mura. GTE also recommended the adoption of a requirement for security coding to reduce the possibility of network harm and to avoid unauthorized use. The Association of Maximum Service Telecasters (MST), representing 250 television broadcast stations, opposed that portion of EIA's petition proposing use of the two 75 MHz bands for cordless telephones on the grounds that such an allocation would disrupt the reception of TV channels 4 and 5. Mura also raised the same concern.

7. The Commission agrees with the petitioners that additional frequencies are necessary to accommodate the anticipated growth of the cordless telephones. In General Docket 83–26, the Commission has proposed creation of an additional personal radio service at 900 MHz which could accommodate cordless telephones as well as other personal communications devices or systems.[5] However, cordless telephone manufacturers have indicated that they will need five to ten years to develop viable affordable equipment for the 900 MHz band. Thus, even if the Commission concludes in General Docket 83–26 that 900 MHz is the appropriate location for cordless telephones on a permanent basis, interim relief is necessary to accommodate the growing demand now.

8. We are proposing to amend Part 15 of our Rules and Regulations to allow manufacturing or importing of cordless telephone for 5 years using ten duplex channels in the bands 46.6–47.0 MHz and 49.6–50.0 MHz. We are further proposing to allow marketing of cordless telephones for an additional year after manufacturing and importing ceases.[6] These devices would be subject to technical requirements like those contained in Subpart D of Part 15 of our Rules and Regulations for low-power communications devices operating at 49 MHz.[7] The out-of-band emission requirements are modified as suggested by Mura. These devices would be required to employ some minimal means to protect against the telephone line being engaged unintentionally. One possibility would be to employ coding schemes similar to those used by garage door opener controls. This would minimize the risk that the cordless phone base unit might be engaged by an outside party for illicit billing of calls. At the same time it reduces the chance that the cordless phone will respond to spurious signals by going off hook and tying up telephone company equipment. The text of the proposed rules is set forth in the Appendix to this Notice.

9. Our decision to propose frequencies in the 46 and 49 MHz bands has been coordinated with and is concurred in by the National Telecommunications and Information Administration (NTIA), United States Department of Commerce, the organization responsible for managing United States Government use of the spectrum. This coordination was necessary because the radio frequency bands requested by the petitioners either are allocated for exclusive Government use or are shared by Government and private users. The NTIA, through the IRAC, set up an Ad Hoc Group (Ad Hoc 184), to study the cordless telephone allocation issue. Through Ad Hoc 184, IRAC analyzed the Government bands 46.6–47.0 MHz and 49.6–50.0 MHz, the shared bands 74.6–74.8 MHz, 75.2–75.4 MHz and 216–220 MHz, and the non-Government bands 30–50 MHz and 806–947 MHz.[8] This analysis included calculating the number of transmitters on each channel,[9] identifying those channels with the lowest number of assignments, and, for channels in the Government bands, identifying those with a minimum of air-ground communications, fire control, or emergency functions. On the basis of this analysis, NTIA has agreed to allow use of the 46 and 49 MHz band frequencies we are proposing provided that manufacturing or importing of equipment using these frequencies is terminated after five years and marketing after six years from the date any interim Commission rules become effective.[10]

10. We are proposing separate termination dates for manufacturing/importing and for marketing of cordless telephones using the interim frequencies to make clear the need for cordless telephone manufacturers and importers to plan for the conversion to new frequencies in a few years. The Government frequencies proposed in this Notice will not be available indefinitely for cordless telephone use.

11. Finally, while IRAC has identified some lightly loaded channels in the non-government portion of the 30–50 MHz band,[11] we are not proposing their use for cordless telephones. Most frequencies in the band are heavily used for long range land mobile systems, and we anticipate demand for the remaining frequencies will increase. We also note that the lighter loaded frequencies are spread throughout this band, which we believe may create problems for cordless telephone manufacturers. However, we would like comments on

[4] At the World Administrative Radio Conference in 1979, the band 1.605–1.705 MHz was reallocated internationally for broadcasting after 1988. Transmissions from high power broadcasting in the reallocated portion of the AM broadcast band are likely to cause interference to cordless telephones operating in the same band.

[5] Notice of Proposed Rulemaking, General Docket 83–26, FCC 83–19 (Released March 4, 1983), at paragraph 76. It is also noted that the European Conference of Postal and Telecommunication Administrations (CEPT) is considering a proposal for the operation of cordless telephones in the bands 914–915 Mhz and 959–960 MHz subject to certain technical specifications.

[6] Consumers could continue to use cordless telephones they may have purchased beyond the interim period we are proposing for manfacturing, importing and marketing. Government users of the spectrum have acknowledged that cordless phones will be operating in these bands after marketing ceases.

[7] Under § 15.3 of the Commission's Rules these devices may not cause harmful interference to authorized radio services and must accept any interference received. Proposed § 15.234 contains a labelling and identification requirement to this effect.

[8] The Commission actively participated in Ad Hoc 184's work.

[9] This analysis included both transmitters centered tuned on the channel and transmitters center tuned on other channels whose emissions overlapped the channel being studied.

[10] A detailed discussion of the committee's analysis, conclusions and recommendations is given in the "Report of Ad Hoc 184", which was approved by IRAC on March 8, 1983. A copy of this Report has been placed into the official file of this proceeding and s available through the Downtown Copy Center, 1114 21st Street, N.W., Washington, D.C. 20037, Telephone (202) 452–1422.

[11] Report of Ad Hoc 184, *Supra*, at pp. 11–12. The frequencies (in MHz) identified as having fewer than 100 transmitters are: 31.00, 31.10, 31.12, 31.18, 31.50, 31.56, 31.62, 31.70, 31.74, 31.78, 31.86, 31.94, 31.98, 35.62, 35.68, 37.60, 42.06, 42.86, 42.90, 42.92, 43.68, 43.74, 43.80, 43.84, 44.32, 44.38, 44.50, 44.52, 44.56, 44.60 MHz.

the feasibility of using non-Government frequencies in the 30–50 MHz band on either an interim or a permanent basis. In addition, we solicit comments on the selection of the proposed interim frequencies at 46 MHz with respect to the potential interference ot the 45 MHz IF of TV receivers.

Procedural Matters

12. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 601 *et seq*, the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action*—This proceeding is in response to two petitions for rulemaking requesting frequencies for the operation of cordless telephones.

II. *The objective*—The Commission is proposing to allow manufacturing and and importing of cordless telephones to operate in the bands 46.6–47.0 MHz and 49..6–50.0 MHz for a period of time not to exceed five years and to further allow marketing of such devices for an additional period of one year.

III. *Legal basis*—The action proposed is in furtherance of Sections 4(i), 302(a), 303(g) and 303(r) of the Communications Act of 1934, as amended, which permit the Commission to make reasonable regulations governing the interference potential of RF equipment and to promote the larger and more effective use of radio in the public interest.

IV. *Entities affected; nature of economic impact; significant alternatives*—The proposal expands Part 15 of the FCC rules by providing for interim operation of cordless telephones on new frequencies. All manufacturers can benefit from this expansion. The alternative to this action is to continue with the existing provisions for cordless telephones at 1.7 MHz and 49 MHz until a permanent new home can be located.

V. *Recording, record-keeping and other compliance requirements*—We are proposing the equipment authorization procedure of certification for cordless telephones operating in the bands 46.6–47.0 MHz and 49.6–50.0 MHz. Since certification is currently required for all other low power communications devices under Part 15, no new requirements would be imposed if proposed rule changes are adopted.

13. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time that a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is issued by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits an oral *ex parte* presentation, addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See § 1.1231 of the Commission's rules, 47 CFR 1.1231.

14. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 12. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (P.L. 96–345, 94 Stat. 1164, 5 U.S.C. Section 601, et seq.).

15. Authority for issuance of this Notice is contained in Sections 4(i), 302, 303(g) and 303(r) of the Communications Act of 1934, as amended. In accordance with the applicable procedures set forth in Section 1.415 of the regulations, interested persons may file Comments on or before May 19, 1983 and Reply Comments on or before June 3, 1983. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of these Commission procedures governing *ex parte* presentations in informal rule making is available for the Commission's Consumer Assistance Office, Washington, D.C. 20554.

16. In accordance with the provisions of Section 1.419 of the regulations, an original and five copies of all comments, reply comments, briefs and other documents shall be furnished the Commission. To obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted, but these comments should make specific reference to this proceeding. Responses will be available for public inspection during regular working hours in the Commission's Public Reference Room located at its headquarters at 1919 M Street, N.W., Washington, D.C. 20554. For further information regarding this proceeding, contact Julius P. Knapp at (202) 653–8247 or Kenneth Nichols at (202) 632–7075.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 15—[AMENDED]

It is proposed that Part 15 of the FCC Rules be amended by adding a new undersigned heading immediately following § 15.228 followed by new §§ 15230 through 15.235 to read as follows:

Cordless Telephones

§ 15–230 Interim provisions for a cordless telephone.

A cordless telephone which complies with the provisions of §§ 15–231 through 15–235, inclusive, may be manufactured or imported until (5 years after effective date of the Rules) and marketed until (6 years after effective date of the Rules).

§ 15.231 Interim frequencies for cordless telephones.

A cordless telephone may be operated on one or more of the following frequencies, provided it complies with the provisions in §§15–230 through 15–235, inclusive.

46.610 MHz	49.830 MHz
46.630 MHz	49.845 MHz
46.670 MHz	49.860 MHz
46.710 MHz	49.875 MHz
46.730 MHz	49.890 MHz
46.770 MHz	49.670 MHz
46.830 MHz	49.770 MHz
46.870 MHz	49.930 MHz
46.930 MHz	49.970 MHz
46.970 MHz	49.990 MHz

§ 15.232 Technical specifications for cordless telephones.

A cordless telephone must comply with all the technical specifications in this section.

(a) Frequency tolerance of carrier: ±0.01%. The tolerance shall be maintained for a temperature variation of −20°C to +50°C a normal supply voltage, and for variation in the primary voltage from 85% to 115% of the rated supply voltage at a temperature of 20°C.

(b) Emission shall be confined within a 20 kHz band centered on the carrier frequency.

(c) The field strength of the carrier frequency shall not exceed 10,000 uV/m at 3 meters.

(d) The out-of-band emissions, including harmonics, on any frequency more than 10 kHz removed from the carrier shall not exceed the field strength limitations in the following table:

Frequency (MHz)	Field strength (uV/m at 3m)
25 to 85	100
85 to 216	150
216 to 1000	200

The spectrum shall be scanned from 25 to 1000 MHz and all signals exceeding 20 uV/m at 3 meters shall be reported.

(e) The cordless telephone shall be completely self-contained with the antenna permanently attached to the enclosure containing the phone.

(f) A cordless telephone which receives electrical power from the public utility power lines shall limit the radio frequency energy coupled back into the power lines to less than 100 uV on any frequency below 30 MHz.

(g) A cordless telephone system shall provide some minimum means of preventing the base station from either being engaged by an outside party or unintentionally going off-hook and seizing local telephone network loops.

§ 15.233 Certification requirement.

Both the base station and portable handset of a cordless telephone shall be certificated by the Commission pursuant to the procedures in Subpart B of this part. The transmitter portion of a cordless telephone shall be certificated to show compliance with the requirements in §§ 15.230 through 15.235, inclusive. The receiver portion shall be certificated to show compliance with the requirements in Subpart C of this part. A signle application for certification (*FCC Form 731)* may be filed for a cordless telephone provided it clearly identifies all parts of the device and provides adequate data to show compliance with the appropriate rule parts.

Note.—A cordless telephone, which is intended to be connected to a public telephone network shall also comply with regulations in Part 68 of this chapter.

§ 15.234 Labelling and identification requirements for a cordless telephone.

Both the base station and portable handset of a cordless telephone system shall be identified and labelled pursuant to §§ 2.925, 2.926 and 2.1045 of Part 2 of this chapter. In addition, the label attached to the handset portion shall contain the following statement:

"This cordless phone is a low power communications device operating pursuant to the provisions of Part 15 of FCC Rules. Privacy of communications may not be ensured when using this phone. Operation is subject to two conditions: (1) It may not cause harmful interference; and, (2) it must accept any interference received, including that which may cause undesirable operation.

§ 15.235 Non-interference requirement.

Notwithstanding compliance with the technical specifications herein, a cordless telephone is subject to general conditions of § 15.3 of this part. The operator of a cordless telephone may be required to stop operating his device upon a finding that the device is causing harmful interference and it is in the public interest to stop operation until the interference problem has been corrected.

[FR Doc. 83-9970 Filed 4-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 21 and 22

[CC Docket No. 83-371; FCC 83-140]

Common Carrier and Satellite Licensing Procedures Pursuant to the Communications Act of 1982

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The proposal proposes to revise certain sections of Parts 21, 22 and 23 of the Commission's Rules relating to common carrier licensing and certain rules relating to fixed satellite licensing. These changes are being proposed to reflect certain changes to the Communications Act made by Pub. L. 97-259. The proposal proposes generally to grant common carrier and fixed satellite licenses for ten years and to grant temporary authorizations for 180 days with the possibility of unlimited renewals.

DATES: Comments must be received on or before May 13, 1982; Reply Comments must be received on or before May 20, 1983.

ADDRESS: Office of the Secretary, Room 222, Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Emily Williams at (202) 634-1869.

List of Subjects in 47 CFR Parts 21, 22 and 23

Communication, Common carriers.

Proposed Rulemaking

In the matter of common carrier and satellite licensing procedures pursuant to the Communications Amendments Act of 1982; CC Docket No. 83-371.

Adopted: April 7, 1983.

Released: April 13, 1983.

By the Commission: Commissioner Fogarty absent.

I. Introduction

1. The Communications Amendments Act of 1982, Pub. L. No. 97-259, became law on September 13, 1982. Among other things, this law revised Section 307(c) of the Communications Act, 47 U.S.C. 307(c), to allow the Commission to grant licenses for non-broadcasting stations for a maximum of ten years rather than five years. In addition, under Section 309(f), 47 U.S.C. 309(f), the Commission now may authorize temporary operation of unlicensed stations for an unlimited number of 180-day periods. Previously, the Commission could authorize such unlicensed operation only for a maximum of two 90-day periods.[1]

2. The purpose of this Notice of Proposed Rulemaking is to propose changes in the Commission's Rules and procedures to reflect amended Sections 307(c) and 309(f) of the Communications Act with respect to common carrier and satellite stations and to invite public comment with respect to these proposed changes.[2]

[1] Public Law 97-259 also amended Section 319(d) of the Communications Act. Former Section 319 required a construction permit to establish a non-broadcasting station unless the Commission waived this requirement for public interest reasons. Amended Section 319(d) provides that a construction permit is no longer required for common carrier stations unless the Commission makes an affirmative finding that the public interest, convenience and necessity is served by requiring such a permit. We shall address this amendment in the near future. Until that proceeding is completed, we shall require carriers to obtain a construction permit prior to establishing a common carrier station or an earth station or space station. *See* Public Notice 740 [released Nov. 10, 1982].

[2] In a separate proceeding, the Commission, in PR Docket No. 83-27, amended §§ 1.925, 1.962, 94.27 and 94.43 of the rules to reflect the Communications Act Amendments. (*See also* proposed changes to Section 81.41 in the Notice of Proposed Rulemaking in Amendment of Parts 81 and 83 of the Rules, PR Docket No. 82-798).

II. Discussion

A. License Terms

3. Amended Section 307(c) provides in relevant part: "[n]o license * * * for [non-broadcasting stations] shall be for a longer term than ten years, and * * * a renewal of such license may be granted from time to time for a term * * * not to exceed ten years * * *." Under the prior law and our current rules,[3] all common carrier licenses and renewals can be granted for a period not to exceed five years. The general practice has been to grant licenses for the maximum statutory period unless there exists good cause to grant a license for a shorter term.

4. The primary purpose of Congress in initially imposing a license term was to ensure that the government retains some control over the valuable privilege that a license represents.[4] With a limit on the terms of licenses, the Commission is afforded the opportunity periodically to review a licensee's qualifications to ensure that the license is being used in the public interest. Thus, the question to be answered in light of the new legislation is what is the amount of time that, as a general rule, the Commission should allow before automatic review of licenses.

5. We tentatively conclude that the general rule should be that common carrier and fixed satellite licenses be granted for 10 years and we propose to amend §§ 21.45(a), 22.45(a) and 23.29 accordingly.[5] Our conclusion is based primarily on the fact that in most of these services the Commission receives relatively few complaints about licensees or the operation of their stations.[6] Renewal applications in most of the services are rarely, if ever, mutually exclusive with that of a competing application. Objections to renewals are seldom filed and most are granted relatively routinely. Therefore, as a general matter, the longer license terms appear justified.[7]

6. Two of the services licensed under Parts 21 and 22 of the rules are new services with which we have no operational experience. These are the Digital Electronic Message Service (DEMS) and the Cellular Telecommunications Service. We tentatively conclude that there is no reason to differentiate these services from the other services. Initial applications are closely reviewed and we have no reason to expect licensees in the DEMS or Cellular Service to require significantly closer scrutiny than other services. With respect to the Cellular Service, we note that the Commission has adopted stringent and detailed requirements as to financial, technical and other qualifications, which should help to ensure that there are not unforeseen problems with the service. *See Cellular Communications Systems*, 86 FCC 2d 469 (1981), *modified*, 89 FCC 2d 58 (1982). During the initial operating years of licensees in these new services, the staff will deal with complaints received relating to specific instances of alleged non-compliance with the rules. We believe it is more desirable to take this narrower approach to resolving problems that may arise in particular cases than to rely on a shorter license term for all licensees of these services.

7. In proposing to extend these license terms, we wish to emphasize that we are proposing a general rule. Thus, the Commission would continue to have the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed.[8] In any instance in which there is a question of whether a particular licensee should be granted a license for the full term the Commission has the option of granting the license for a shorter term. In addition, in proposing to extend the license terms for these services, we do not seek to avoid the Commission's obligation to review licensee's qualifications. The renewal process is but one of the Commission's enforcement mechanisms for meeting its statutory duties. The proposed rule changes do not, for example, affect our statutory authority to revoke any station license,[9] and the proposed ten year term does not in any sense guarantee that a licensee who is not using his license properly would be able to retain that license for ten years. Rather, the proposal would encourage individual proceedings designed to address particular problems rather than a burdensome and unnecessary general review requirement. We will continue to rely on the complaint process and the Commission's field inspection and minotoring capabilities to ensure that licensees are upholding their statutory duties.

8. The longer license terms for common carrier services would result in a significant savings of Common Carrier Bureau and licensee resources by requiring the processing of license renewal applications only once every ten years instead of every five. This savings by carriers and the Commission was one of the reasons for adoption of the amendments.[10] For example, in the Point-to-Point Microwave Service, the staff estimates that actions on all renewal applications total approximately 1,500 work hours. Thus, extending the license terms in that service alone will save that many work hours every ten years. When all the other services are considered, the savings would be substantial. Although we have no estimate of the resource savings that an extension of the license term would entail for carriers, we assume that it would not be insignificant. We invite commenters to submit information regarding costs that might be avoided by longer license terms so that these savings might be weighed in reaching a final decision in this matter.

9. In order to effectuate the new license terms as quickly as possible and in order to minimize the administrative burdens on the Commission and the licensees, we also propose to extend the terms of all current licensed (except developmental licenses) to ten years. All current licenses would then expire ten years after the beginning of the license term specified in the outstanding authorization. By doing this we would obviate the need to file and process one entire round of renewal applications.[11]

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[3] *See* 47 CFR 21.45, 22.45 and 23.29.

[4] *See* S. Rept. No. 772, 69th Cong., 1st Sess. 2-3 (1926); *see also* S. Rept. No. 781, 73rd Cong., 2d Sess. 6 (1934).

[5] Part 25 of our Rules relating to the licensing of satellite facilities does not contain any rule limiting the term of licenses for those facilities. Our practice generally has been to issue licenses for the maximum term permitted by statute unless the applicant requests a shorter term or unless operation of the station is scheduled to be concluded well before the statutory license term. We see no reason to grant earth station licenses for less than ten years. We propose doing so unless comments submitted convince us to do otherwise. With respect to space stations, we propose to issue licenses for the nominal lifetime of the satellite, but not for a period longer than 10 years.

[6] Although one service, the Multipoint Distribution Service (MDS), has presented a relatively large number of licensing and operational problems for the staff, we tentatively conclude that the ten year license term should also apply to it. As discussed below, the Commission retains the right to issue a particular license for a shorter period and/or revoke a license, which we believe are more appropraite remedial solutions to problems than denying extended license terms to all MDS licensees.

[7] We propose to maintain the present one-year term for all developmental licenses issued in the Domestic Public Fixed, Mobile, and Satellite Services. These licenses are granted to enable the applicant to conduct research or development and one year normally is sufficient time for such purposes.

[8] Sections 21.45 and 22.45 contain express provisions that the Commission has the right to grant licenses for a shorter term than generally prescribed. Section 23.29 does not now contain such an express provision. To make Part 23 consistent with Parts 21 and 22, we propose to add language to that effect to § 23.29.

[9] 47 U.S.C. 312.

[10] *See* Conf. Rept. 97-765, 97th Cong., 2d Sess. 35 (1982); 128 Cong. Rec. 76653 (daily ed. Aug. 19, 1982).

[11] This extension would not apply to existing wireline telephone services in the 35 MHz band. In

We believe that we have sufficient authority to take this action. The Commission's authority to modify the provisions of existing licenses by reulemaking has been upheld on several occasions. *See, e.g., National Broadcasting Co. v. United States*, 319 U.S. 190 (1943); *California Citizens Band Association v. United States*, 375 F.2d 43 (9th Cir.), *cert. denied*, 389 U.S. 844 (1967); *see also American Airlines, Inc. v. CAB*, 359 F.2d 624 (D.C. Cir.), *cert. denied*, 385 U.S. 943 (1966).

10. Both Parts 21 and 22 specify a staggered schedule of months, on a service, by service basis, on which licenses for the different services will expire. For example in the mobile services, radio common carrier licenses expire on April 1, and wireline common carrier licenses expire July 1. The staff also staggers the year of renewal on a service-by-service basis. Thus, radio common carrier licenses expire in April of 1984, and wireline common carrier licenses expire in July of 1983.[12] Our proposal to extend existing licenses would result in radio common carrier licenses expiring in April of 1989 and wireline common carrier licenses expiring in July of 1988.[13]

11. With respect to the wireline common carrier licenses that are currently scheduled to expire on July 1 of this year, we note that § 22.11(c) of our Rules requires renewal applicants to file between 30 and 60 days prior to the license expiration date. Under this rule, wireline licensees would be expected to file for renewal of their licenses between May 1, 1983 and June 1, 1983. Pending the outcome of this rulemaking proceeding, we hereby waive the requirements of § 22.11(c) and instruct wireline licensees not to file renewal applications in May 1983.[14] Renewal applications filed during this period will be returned. Wireline carriers will not risk expiration of their licenses by not submitting their renewal applications in May. If, by June 15, 1983, the Commission has not released an Order extending the license term, renewal applications must be filed between that date and June 30, 1983. We do not anticipate that any such filing will be necessary, but we make this provision so that wireline licensees may be assured that their authorizations are not placed at risk by failure to file in May 1983. In order to accomplish these rule changes in time to avoid the wireline renewal filings, we specify an expedited comment period as set forth below. If we cannot complete the entire proceeding by June 15, we will consider issuing a separate order addressing only the license extension proposal.

12. Finally, we note that licenses for satellite earth and space stations granted pursuant to Part 25 of the rules do not expire on a set schedule of staggered dates as in the mobile and domestic fixed services. Rather they expire individually, generally five years after the day the license was granted. Therefore, in order to continue the effectiveness of licenses in the Part 25 services that would expire during the pendency of this rulemaking, licensees still will be required to submit renewal applications.[15] However, we do not intend to process any of these applications during the pendency of this proceeding until we resolve the issue of whether to extend the license terms of these stations.

B. Special Temporary Authority (STA)

13. Section 309(f) of the Communications Act provides an exception to the general rule that applications for construction permits or radio licenses shall not be granted earlier than thirty days following the issuance of a public notice of the acceptance for filing of the application. Until passage of the recent amendments, the Commission could grant special temporary authority without issuing a public notice upon finding that there were "extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest." The Commission had authority to grant a maximum of two 90-day temporary license authorizations. New Section 309(f) deletes the reference to emergency operations in the granting of temporary authorizations pursuant to that section,[16] extends the maximum period of temporary operation from 90 to 180 days, and allows an unlimited number of 180-day authorizations.

14. We propose to amend §§ 21.25, 22.25 and 23.28 to reflect the changes in the statute and to apply the same principles to satellite facilities.[17] Thus, carriers would be able to apply for an STA for a period of 180 days and would be able to apply for an unlimited number of extensions.[18] The longer period, of course, would reduce the applicants' and the Commission's administrative burden.

15. Additional work could be caused, however, by persons requesting numerous 180-day authorizations. Congress apparently was aware of this potential problem and the possiblity of the creation of *de facto* station licenses when it provided for an unlimited number of extensions. In the Conference Report, the Committee stated that "an applicant for STA renewal bears a heavy burden of showing, consistent with the test in Section 309(f), that a renewal should be granted." Conf. Rept. 97-765, 97th Cong., 2d Sess. 37 (1982). To ensure that the Congressional intent is satisfied and that the process is not abused, we also propose to add language to the rule that reflects this legislative intention.

III. Regulatory Flexibility Act Analysis—Certification

16. We conclude that the proposed rule changes contained herein will have no significant economic impact on a substantial number of small entities, within the meaning of Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) (1982). We are issuing this Notice of Proposed Rulemaking to receive public comment on a number of changes to common carrier and fixed

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CC Docket No. 80-189, the Commission decided to terminate all such services in June, 1988. *See* 47 FR 34561 (August 10, 1982). In addition, this action is without prejudice to any decision the Commission may make in, or as a result of the proceedings in, CC Docket 80-112, 45 FR 29323 (1980).

[12] The year of expiration is not codified in the rule, since this would require lengthy lists of recurring five-years periods. Instead, the year is specified on the license itself.

[13] Other existing Part 21 and Part 22 licenses would expire as follows:

1. Point-to-Point Microwave, Feb. 1, 1990.
2. Local Television Transmission, Feb. 1, 1990.
3. Multipoint Distribution Service, May 1, 1991.
4. Offshore Telephone, Aug. 1, 1991.
5. Public Land Mobile (air ground base stations), Sept. 1, 1989.
6. Rural Radio, Nov. 1, 1988.

[14] This waiver is on a one-time basis and applies only to the wireline licensees who would otherwise be required to file renewal applications in May of 1983. A waiver is not needed for any other carriers since their authorizations expire subsequent to 1983 and, therefore, after this proceeding should be completed.

[15] Submission of the renewal application in a timely manner continues the effectiveness of the license. 5 U.S.C. 558; 47 CFR 1.62.

[16] Temporary authorizations may also be granted pursuant to Section 309(c)(2)(G) of the Communications Act, 47 U.S.C. 309(c)(2)(G).

[17] Part 25 contains no rules relating to applications for STAs. Processing of such applications has been handled pursuant to the guidelines specified in Processing Procedures for Domestic Earth Station Applications, FCC 75-932, released Aug. 8, 1975. Except with respect to the period of an STA, the number of renewals, and the test for obtaining a renewal of an STA (for which we propose to follow the guidelines used by the domestic fixed and mobile services), we propose to continue using the procedures set out in that public notice.

[18] We also propose to delete the reference to "emergency" operations in § 21.25(b)(4) of the rules to reflect the new law. We do not see this as significantly altering the test for temporary authorization pursuant to Section 309(f) of the Act, however, since such authorization continues to require a showing of "extraordinary circumstances."

satellite licensing allowed by the Communications Amendments Act of 1982. Our objective is to compile a sufficient record to implement these rules, if warranted. The legal basis for this proposal is contained in paragraph 30 below.

17. The Commission proposes to relax regulatory requirements of various aspects of the licensing process for common carrier and fixed satellite stations. This relaxation will apply equally to all applicants and licensees, whether they be small business entities, single individuals or large corporations and should aid all applicants by eliminating costs and delay in the licensing process. Specifically, with the exception of developmental licenses we propose to extend the license period for all common carrier and domestic fixed satellite radio facilities so as to require applicants generally to file license renewal applications once every ten years, instead of every five years. Our proposal to extend the period allowed for special temporary operation of a station and to permit an unlimited number of 180-day extensions will have a relatively small economic impact upon small business entities but what impact there will be will be beneficial in requiring only one application instead of two in order to operate for a 180-day period. In general, the alternatives that the Commission could consider would be more burdensome than those proposed.

IV. Ordering Clauses

18. For purposes of this non-restricted notice and comment rulemaking procceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission Secretary for inclusion in the public files. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comment for the proceeding must prepare a written summary of that presentation. On the day of the oral presentation, the written summary must be served on the Commission's Secretrary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Rules, 47 CFR 1.1231.

19. Accordingly, it is ordered, That pursuant to Sections 1, 4(i), 303(f), 303(r), 307(c), 309(f) and 403, of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 303(f), 303(r), 307(c), 309(f) and 403, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, there IS ISSUED A NOTICE OF PROPOSED RULEMAKING.

20. It is further ordered, pursuant to § 1.415 of the Commission's Rules, that all interested persons may file comments on the matters discussed in this Notice and the proposed rule changes contained in the attached Appendix on or before May 13, 1983, and reply comments on or before May 20, 1983. This proceeding is being expedited in order that the Commission may take action on the proposal to extend current license terms to ten years as soon as possible so as to relieve carriers of the burden of filing renewal applications. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken with respect to the proposals contained in the Appendix. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. It is further ordered, That pursuant to §§ 1.51 and 1.419 of the Rules, an original and five copies of all comments, replies, pleadings, briefs or other documents shall be filed with the Commission. Copies of all filings will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

22. It is further ordered, That the Chief, Common Carrier Bureau, is delegated authority to require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and more efficient proceeding.

23. It is further ordered, That the Secretary shall cause this Notice of Proposed Rulemaking to be published in the **Federal Register.**

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 21, 22 and 23 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICE

1. Section 21.25 is amended by revising paragraphs (b)(4) and (c) as follows:

§ 21.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 21.27(b) when:

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorization of operations not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

§ 21.45 [Amended]

2. Section 21.45(a) is amended by removing the term "5 years" and inserting in lieu thereof "10 years".

PART 22—[AMENDED]

3. Section 22.25 is amended by revising paragraph (b)(4) and (c) as follows:

§ 22.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 22.27(b) when:

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

4. Section 22.45 is amended as follows:

§ 22.45 License period.

(a) Licenses will be granted for 10 years. When a date is specified in paragraph (b) of this section, the license will be valid until that date in the tenth year of the license. Developmental licenses shall be granted for one year. When the Commission determines the public interest, convenience and necessity would be served by a shorter license period, the license will be granted for such period.

(b) *License Termination.* Station licenses will expire on the dates listed below, on the last year of the license:

Public Land Mobile (radio common carriers), Apr. 1
Public Land Mobile (wireline common carriers), July 1
Offshore Telephone
Public Land Mobile (air-ground base stations), Sept. 1
Rural Radio, Nov. 1
Cellular Radio, Dec. 31

* * * * *

PART 23—[AMENDED]

5. Section 23.28 is revised to read as follows:

§ 23.28 Special temporary authorization.

(a) Requests for special temporary authority must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

(1) A statement of the call signs, location, and frequencies of the transmitting station; the call signs, location, and frequencies of the receiver station; and the type or types of emission to be employed by both stations.

(2) A statement as to whether the frequencies are to be used for contact control purposes only.

(3) A statement of the period for which the temporary authority is desired.

(4) A statement describing the service which is to be rendered.

(b) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorizations for a period of 180 days may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

6. Section 23.29 is revised by designating the first paragraph as paragraph (a), removing "5 years" and inserting in lieu thereof "10 years", and by adding a new paragraph (b) as follows:

§ 23.29 License period and expiration time.

(a) * * *

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, the public interest, convenience or necessity would be served by such action.

[FR Doc. 83-10144 Filed 4-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 82-83, FCC 83-119, RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860, RM-4228]

Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands; and Petition for Rulemaking To Authorize Telephony Operation on Certain Frequencies in Hawaii

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rule making.

SUMMARY: The Commission is proposing to authorize the use of additional frequencies for telephony operation in the Amateur Radio Service high frequency (HF) bands. The frequencies currently authorized for such use are, at times, extremely congested. The proposed rule amendments would provide more frequencies for this use and thus relieve some of the congestion.

DATES: Comments are due by July 1, 1983 and replies by August 1, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau (202) 632-4964.

List of Subjects in 47 CFR Part 97

Radio.

Further Notice of Proposed Rule Making

In the matter of an Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands. Petition for Rule Making to Authorize Telephony Operation on the Frequencies 7075-7100 KHz in the State of Hawaii; PR Docket No. 82-83, RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860, RM-4228.

Adopted: March 31, 1983.
Released: April 11, 1983.
By the Commission.

1. On February 11, 1982, the Commission adopted a Notice of Inquiry and Proposed Rule Making in the above-captioned matter.[1] That Notice was in response to seven petitions for rule making, each requesting that the Amateur Radio Service Rules (Part 97) be amended to provide for the use of telephony operation (emission types A3 and F3) on additional portions of the amateur high frequency (HF) bands—the bands between 3 and 30 MHz. In its Notice, the Commission initiated an inquiry, seeking to gather additional information on alternative approaches to expanding frequencies for telephony use in the HF bands other than the 14 MHz band. The Commission also specifically proposed to "* * * expand telephony privileges in the 14 MHz amateur band by adding the frequencies 14150-14200 kHz to those currently authorized for such use. Today, we are adopting a separate First Report and Order to set forth our findings on the issues of expansion of the telephony "subband" in the 14 MHz band.[2] This Notice will set forth our specific proposals for expansion of the other HF telephony subbands.

2. Several hundred comments were filed on the Commission's Notice.[3] The

[1] 47 FR 8798 (March 2, 1982).

[2] See First Report and Order in PR Docket 82-83, FCC 83-118, 48 FR ——April ——, 1983).

[3] A Motion to Set Aside Comments of the American Radio Relay League was also filed by Josef Schrabal. That Motion is discussed and disposed of in our First Report and Order in this proceeding.

vast majority of the comments received supported the concept of expanding many or all of the HF Telephony subbands. Expansion of two of the subbands in question—those of the 3.5 and 21 MHz bands—had uniform support in the comments. Virtually all of the commenters agreed that the telephony subbands for these two bands should start at 3750 kHz and 21200 kHz, respectively. Many of the commenters also agreed that the operator privileges for these telephony subbands should be changed to the following: 3750–3775 kHz, Amateur Extra only; 3775–3850 kHz, Amateur Extra and Advanced; 3850–4000 kHz, Amateur Extra, Advanced and General; 21200–21225 kHz, Amateur Extra only; 21225–21300 kHz, Amateur Extra and Advanced; 21300–21450 kHz, Amateur Extra, Advanced and General. While most commenters indicated that privileges conveyed by this general scheme would be most appropriate, there were some comments which suggested that more frequencies should be reserved for the higher class licensees. However, we believe that it would be unwise to limit the relief we hope to provide to operators by reserving unnecessarily large portions of the proposed expanded telephony subbands to higher class licensees. We believe that the privileges set forth above would be most fair to all license classes and therefore we are proposing these as the changes to be made in the authorizations for these bands.

3. Regarding the 28 MHz band, commenters suggested authorizing telephony operations down to frequencies as low as 28200 kHz. Authorization of such operations on frequencies as low as 28300 kHz was a common recommendation. While we are proposing to authorize telephony operations on all frequencies from 28300 to 29700 kHz, we request comments on whether such an expansion is truly warranted in light of the sliver of spectrum that will remain for modes of operation using the international Morse code and digital communication (radio-teleprinting). For example, we may be inclined to continue to allow both of these modes on the frequencies 28300–28500 kHz even if we do expand the 28 MHz telephony subband. In any event, Morse code operation would continue to be permitted on all frequencies as it is now, even though we recognize that such operation is normally not conducted on frequencies adjacent to wider-bandwidth telephony emissions.

4. There was no consensus in the comments as to the best course of action for us to take regarding the 7 MHz telephony subband. Some comments suggested that the Novice subband be moved downward in frequency in order to permit telephony operation from 7100 kHz through 7300 kHz, while others recommended the establishment of a new telephony subband between 7050 and 7100 kHz with privileges in the new subband limited to holders of Advanced or Amateur Extra class operator licenses. Many comments suggested no change in the mode authorizations for the 7 MHz band. Except as discussed below, we have decided to make no proposal for changes in this band at this time since there seems to be no consensus as to the actual need or the best approach. However we invite comments as to whether some future action may be warranted and what approach would be most beneficial.

5. Finally, we are in receipt of a petition for rule making, RM–4228, filed on October 22, 1982 by Randall F. Sobol. That petition requests that the Commission's rules be amended by adding to § 97.61(b)(11) the phrase "* * * with the exception of those stations located west of 150 degrees West longitude and south of 30 degrees North latitude." The effect of such a change would be to authorize the frequencies 7075–7100 kHz for telephony operation in the State of Hawaii and similarly situated geographic areas. The petitioner claims that, "A few hundred miles to the south of the Hawaiian Islands, we would be in Region 3, thusly able to operate A3 on those frequencies * * * (while the) Hawaiian Islands are almost 2500 miles from the nearest possible point on the U.S. Mainland." The petitioner goes on to point out that, "The geographic proximity to Region 3 renders extremely strong Asian broadcast interference. This is noticable prior to sundown in the Hawaiian Islands and lasts several hours after sunrise the following day." The Commission is persuaded that the petitioner's request merits further consideration and we are including the requested rule change in our proposals in this Notice.

6. Accordingly, notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth in the attached Appendix.

7. Authority for issuance of this Notice is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before July 1, 1983, and reply comments on or before August 1, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personnal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule making is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632–7000.

10. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 US.C. 605), the Commission certifies that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities since the Amateur Radio Service may not be used for commercial radio communication (see 47 CFR 97.3(b)) and because these rules would have no forseeable impact on manufacturers of Amateur Radio Service equipment.

11. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall cause a copy of this Notice to be published in the **Federal Register.**

12. For further information on this proceeding, contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

(Secs. 4, 303 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

It is proposed that Part 97 of the Commissions Rules and Regulations, 47 CFR Part 97, be amended as follows:

1. In § 97.7, paragraph (a) would be revised to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies	Class of license authorized
3500–3525 kHz	Amateur Extra only.
3750–3775 kHz	Do.
7000–7025 kHz	Do.
14,000–14,025 kHz	Do.
14,150–14,175 kHz	Do.
21,000–21,025 kHz	Do.
21,200–21,225 kHz	Do.
3775–3850 kHz	Amateur Extra and Advanced.
7150–7225 kHz	Do.
14,175–14,225 kHz	Do.
21,225–21,300 kHz	Do.

* * * * *

§ 97.61 [Amended]

2. In § 97.61, in the table in paragraph (a), the rows between (and including) the row beginning with the entry "3500–3775 (kHz)" and the row beginning with "28500–29700 (kHz)" would be revised to read as follows:

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
kHz:		
3500–3750	F1	
3750–4000	A3,A4,A5,F3,F4,F5	4
4383.8	A3A,A3J	13
7000–7300	A1	3,4
7000–7150	F1	3,4
7075–7100	A3,F3	11
7150–7300	A3,A4,A5,F3,F4,F5	3,4
14000–14350	A1	
14000–14150	F1	
14150–14350	A3,A4,A5,F3,F4,F5	
21000–21450	A1	
21000–21200	F1	
21200–21450	A3,A4,A5,F3,F4,F5	
28000–29700	A1	
28300–29700	A3,A4,A5,F3,F4,F5	

3. Also in § 97.61, paragraph (b)11) would be revised to read as follows:

(b) * * *

(11) The use of A3 and F3 in this band is limited to amateur radio stations located outside Region 2 and amateur radio stations located within Region 2 which are west of 150 degrees West longitude and south of 30 degrees North latitude.

* * * * *

[FR Doc. 83–9971 Filed 4–14–83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 16)]

Iron Sulphate Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules (Exemption).

SUMMARY: The Commission is proposing to exercise its authority under 49 U.S.C. 10505 to exempt from regulation railroad transportation of iron sulphate (liquid and dry). Since the transportation of iron sulphate appears to meet statutory criteria for exemption, and since the Commission encourages exemption requests, the Commission is pursuing a suggestion for this exemption made by Tennessee Chemical Company.

DATE: Comments are due on May 16, 1983.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Ex Parte No. 346 (Sub-No. 16), Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245,

or

Mont L. Burrup, (202) 275–6447.

SUPPLEMENTARY INFORMATION: In an earlier proceeding in which the Commission exempted rail transportation of liquid iron chloride from regulation, Tennessee Chemical Company filed comments requesting that iron sulphate (liquid and dry) also be exempt under 49 U.S.C. 10505.

PART 1039—[AMENDED]

§ 1039.11 [Amended]

This proposed rule would pursue TCC's suggestion by amending § 1039.11 by adding: "28 195 27–30, 68–69 Iron sulphate" to the list of miscellaneous exempt commodities.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, or call 202–275–7428.

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Intermodal transportation, Railroads.

(49 U.S.C. 10505; 5 U.S.C. 553)

This action does not significantly affect the quality of the human environment or the conservation of energy resources. We also certify that the proposed exemption will not significantly affect a substantial number of small entities.

Dated: April 7, 1983

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83–10013 Filed 4–14–83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the North Pacific Management Fishery Management Council has submitted an amendment (Amendment 7) to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before June 24, 1983.

ADDRESS: All comments should be sent to Robert W. McVey, Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802.

Copies of the amendment are available upon request from the North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Regional Plan Coordinator, Telephone: 970–586–7229.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conversation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determing whether to approve the plan or plan amendment.

Amendment 7 proposes measures for managing the foreign longline fishery for groundfish in the Bering Sea and Aleutian Islands area. Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days. (16 U.S.C. 1801 et seq.)

Dated: April 12, 1983.

Joe P. Clem,

Acting Chief, Plan Review Division, National Marine Fisheries Service.

[FR Doc. 83-10114 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), the Department of Agriculture hereby republishes its annual notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. The last annual publication for the Department of Agriculture can be found at 47 FR 5276 (February 4, 1982). That publication updated the earlier publication found at 44 FR 69694 (December 4, 1979) as well as the complete publication found at 43 FR 51268 (November 2, 1978). In addition, the systems of records published by this Department as of December 31, 1981, may be viewed in Volume 1, Privacy Act Issuances, 1981 Compilation of the Federal Register, in depository libraries and Federal Information Centers nationwide.

Subsequent to the last annual publication, the following system of records and amendments to existing systems of records have been published:

47 FR 63 (1/4/82)—Amendment to FS–4—Certification of Engineering Personnel, USDA/FS.

47 FR 5024 (2/3/82)—Amendment to FS–47—Forest Service Placement Availability System, USDA/FS.

47 FR 9037 (3/3/82)—Amendment to OP–1—Personnel and Payroll System for USDA Employees, USDA/OP.

47 FR 12649 (3/24/82)—AMS–10—Poultry Grading Inspection Monitoring System, USDA/AMS.

47 FR 26680 (6/21/82)—Amendment to AMS–8—Court cases brought by the Government pursuant to the following Acts: Agricultural Marketing Act of 1946, Egg Products Inspection Act, USDA/AMS; Amendment to USDA/FGIS–3—Subsidiary Personnel and Pay Records, USDA/FGIS; Amendment to USDA/FGIS–5—Occupational injury/illness and motor vehicle accident case files for U.S. Department of Agriculture, Federal Grain Inspection Service employees, USDA/FGIS; Amendment to USDA/P&SA–1—Packers and Stockyards Administration administrative records, USDA/P&SA; Amendment to USDA/P&SA–2—Persons engaged in business as livestock market agencies and dealers under the provisions of the Packers and Stockyards Act, USDA/P&SA.

The above-cited new system publication is printed in full below.

Dated: April 11, 1983.

John R. Block,

Secretary.

USDA/AMS—10

SYSTEM NAME:

Poultry Grading/Inspecfion Monitoring system.

SYSTEM LOCATION:

USDA, Washington Computer Center, Washington, DC 20250.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Poultry Grading Branch and State employees licensed to grade and/or inspect poultry and/or poultry products.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the condition of the plant and comparative grading and examinations peformed by the grader/inspector and the supervisor. The information is taken from Poultry Division forms, Employee's Performance Record, Daily Report of Egg Drying Activities, and Daily Report of Plant Operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Agricultural Marketing Act of 1946 (60 Stat. 1037, as amended; 7 U.S.C., Section 1621 et seq.), and the Egg Products Inspection Act of 1970 (84 Stat. 1620 et seq., 21 U.S.C., Sections 1031–1056).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The use of records will be limited to Poultry Division employees involved in the management of the grading/inspection programs. This includes the Branch Chief and Assistant to the Director, and the National Technical Supervisors. Selected reports will be sent to regional directors. The system will be used to identify problem areas in the grading/inspection of products. This will include employee/supervisory/plant performance on an area, regional, and national level. The system will also be used to develop percentages and statistics relating to grade standard tolerances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer disk; computer paper printouts.

RETRIEVABILITY:

Records are indexed and accessed by social security number or a selected number for a particular individual and region.

SAFEGUARDS:

Each regional office has a separate logo identification and password to the computer for input. Reports are run by the national office. Paper records and printouts will be maintained in locked file cabinets or locked offices.

RETENTION AND DISPOSAL:

Automated records will be deleted after 2 years. Printouts will be destroyed after 2 years. Daily Report of Plant Operation and Reports of Egg Drying Operations will be destroyed after 1 year. Employee's Performance Record will be destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Poultry Grading Branch, Poultry Division, USDA, AMS, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Individuals may request information concerning their records by contacting the system manager.

RECORD ACCESS PROCEDURE:

Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him/her from the system manager.

CONTESTING RECORD PROCEDURES:

Any individual may obtain information as to the procedure for contesting a record in the system that

pertains to him/her from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from Federal Grading Branch employees, licensed State employees, and their Federal supervisors.

[FR Doc. 83-10062 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

McArthur Group Irrigation RC&D Measure, Georgia

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the McArthur Group Irrigation Measure, Montgomery County, Georgia.

The enviromental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of a 15-acre reservoir with a storage capacity for 60 acre-feet of supplemental irrigation water. The planned project as described in the Finding of No Significant Impact involves the construction of an earth dam with a vegetated emergency spillway. All disturbed areas will be revegetated to protect them from erosion.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue (P.O. Box 832), Athens, Georgia 30613, telephone 404-546-2273. An Environmental Assessment and Finding of No Significant Impact have been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the Finding of No Significant Impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

FOR FURTHER INFORMATION CONTACT:

Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Robert G. Stephens, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273.

(Catalog of Federal Domestic Assistance Program No. 10.901 Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a–f,q.)

Dated: April 7, 1983.

Donald K. Stewart,

Assistant State Conservationist for Water Resources.

[FR Doc. 83-10029 Filed 4-14-83; 8:45 am]

BILLING CODE 3412-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications; for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-161. Applicant: National Bureau of Standards, Bldg. 233, Room B266, Washington, DC 20234. Instrument: Electron Microscope, EM 430T with Accessories. Manufacturer: N.V. Philips' Gloeilampenfabrieken, The Netherlands. Intended Use of Instrument: The instrument will be used to study microstructural characteristics of metals and non-metals including oxides, glasses and ceramics. It will be used extensively in a program designed to develop advanced metallurgical processing techniques. A critical part of that program is concerned with the correlation between processing variables and microstructure. Additional studies will be concerned with developing an understanding of the relationships that exist between mode of deformation, crystal structure, composition, second phase constituent type and morphology, mechanical behavior (wear, fracture, fatique, creep), chemical behavior (corrosion, oxidation) and physical properties (electrical, magnetic, elastic). Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83-163. Applicant: Yale University, 333 Cedar St., New Haven, CT 06510. Instrument: Penning Sputter Coater for Electron Microscope. Manufacturer: Zentrum für Electronen-microscopie, Austria. Intended Use of Instrument: The instrument is intended to be used in the field of experimental pathology for electron microscopic preparation of tissues, cells, subcellular isolated components, isolate macromolecules of extracellular matrix and blood vessels, and for medical diagnosis and teaching. The experiments to be performed deal with the analysis of macromolecules isolated from human and animal tissues and their interactions to form structures such as basement membranes. In addition the instrument will be used for training of graduate students in the experimental pathology training program as part of the course on "Modern Methods in Histopathology." Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83-164. Applicant: Robert B. Brigham Hospital, A Division of Brigham & Women's Hospital, Sealy Mudd Bldg., Room 504, 250 Longwood Ave., Boston, MA 02115. Instrument: LKB 14800-3 Cryokit for Ultramicrotome complete with Accessories. Manufacturer: LKB Instruments, Inc., Sweden. Intended Use of Instrument: The instrument is intended to be used for the investigation of a variety of human and animal tissues and cells as well as human parasites such as schistosomes, malaria and leishmania. The major use of the instrument will be to localize molecules or antigens in the material under study by frozen thin section immunocytochemistry. Graduate

students and postdoctoral fellows will also train on the instrument as part of their experience in the laboratory. Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83–165. Applicant: University of Iowa, College of Dentistry, Dental Research, Iowa City, IA 52242. Instrument: Electron Microscope EM 10CA and Accesories. Manufacturer: Carl Zeiss, West Germany. Intended Use of Instrument: The instrument is intended to be used for research to be undertaken which involves all aspects of the structure and function or oral and dental tissues in health and disease such as:

(1) The nature of the permeability barrier in oral epithelium,

(2) Growth, surgical and speech aspects of cleft palate—the maxillofacial growth project,

(3) Age changes in skin and oral mucosa of mice,

(4) Stem cells in oral mucosa,

(5) Anti-caries mechanisms of fluoride complexes *in vitro*,

(6) Root caries—an *in vitro* model,

(7) Therapeutic applications of fluorinate chelating agents, and

(8) Factors determining variation in adult oral mucosa.

Application received by Commissioner of Customs: March 28, 1983.

Docket No. 83–167. Applicant: Case Western Reserve University, Department of Macromolecular Science, 10900 Euclid Avenue, Cleveland, OH 44106. Instrument: Electron Microscope, Model #JEM–100SX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Instrument: The instrument is intended to be used for studies of synthetic and naturally occurring macromolecular solids. The properties of the materials or phenomena to be investigated consists of the crystal structure, crystal morphology, and average crystal size of polymers. Any stress-induced structure amorphous materials is of also importance, as are the domain sizes and shapes in polyblends and block copolymers. The objectives pursued in the course of the investigation consist of understanding the relationship between the polymer morphologies and structures and the bulk mechanical, electrical, and optical properties of the macromolecule. The instrument will be used in both an undergraduate and graduate laboratory course which intends to familiarize all students within the department (Macromolecular Science) with the operation and techniques associated with its instrumentation. Application Received by Commissioner of Customs: March 30, 1983.

Docket No. 83–168. Applicant: University of Washington, School of Medicine, Seattle, WA 98195. Instrument: Electron Microscope Model #EM 420T and Accessories. Manufacturer: Philips Electronic Instrucments, Inc., The Netherlands. Intended Use of Instrument: The instrument is intended to be used for studies of (a) cell surface events in gamete formation and function (b) analytical morphology of hepatocytes and pulmonary parenchyma, and (c) biology of human adult and fetal skin. The phenomena being studied will include developmental processes, the features of normal diseased cells and tissues, the characteristics of cell surfaces and cytoplasmic components and the quantitative parameters of cell, tissue and organ structure. Application Received by Commissioner of Customs: March 30, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–10097 Filed 4–14–83; 11:47 am]

BILLING CODE 3510–25–M

Subcommittee on Export Administration of the President's Export Council; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Friday, April 29, 1983. The meeting is open to the public.

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12399 of December 31, 1982, continued the Subcommittee until September 30, 1984.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States had diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

Time and Place: The meeting will take place from 1:00 p.m. to 3:30 p.m., April 29, 1983, at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda:

1:00 Opening Comments; David C. Scott
1:10 Update on OEA Automation; Robert C. Dancy
1:20 Status Report: Foreign Availability; James A. Dukowitz
1:30 Status Report: Export Administration Act; John B. Copeland
2:00 Future Decentralized Licensing; David C. Scott
2:45 Export Documentation and Regulatory Burdens; David C. Scott
3:25 Closing Comments; David C. Scott

SUPPLEMENTARY INFORMATION: For further information contact: Mrs. Debbie Kappler, Office of the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1455) or Ms. Elisabeth Vermilye, President's Export Council (202–377–1125).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83–10098 Filed 4–14–83; 8:45 am]

BILLING CODE 3510–25–M

Office of the Secretary

President's Private Sector Survey on Cost Control

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of open meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) Review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

Time and Place: May 2, 1983, beginning at 10 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Agenda:

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:

A. Department of Transportation

B. Department of Health and Human Services—Health

C. Financial Asset Management

D. Department of Housing and Urban Development

E. Department of the Interior

2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

Copies of the draft reports will be available on April 18 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377–3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold additional public meeting in May and June, 1983. Exact dates will be noticed in the **Federal Register.** Copies of all materials, including Task Force reports, to be considered at these meetings will be available approximately two weeks prior to each meeting at the Department's Central Reference and Records Inspection Facility, address above.

Public Participation: The May 2 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377–4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466–4665.

Dated: April 13, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83-10193 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With Government of Socialist Republic of Romania To Review Trade in Category 604

April 12, 1983.

On February 24, 1983 the Government of the United States requested consultations with the Government of the Socialist Republic of Romania with respect to Category 604 (other man-made fiber yarn, wholly of non-continuous filament). This request was made on the basis of Paragraph 8 of the Agreement between the United States of America and the Socialist Republic of Romania relating to Trade in Wool and Man-Made Fiber Textiles and Textile Products of November 3, 1980, as amended. Paragraph 8 provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments within 90 days of the request for consultations, CITA, pursuant to paragraph 8 of the Agreement, may establish a specific limit of 2,446,418 pounds for the entry and withdrawal from warehouse for consumption of man-made fiber textile products in Category 604, produced or manufactured in the Socialist Republic of Romania and exported to the United States during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983.

The Government of the United States reserves the right under the Agreement to invoke import controls on this category during the 90-day consultation period (February 25, 1983–May 24, 1983) at a level of 713,539 pounds and during the twelve-month period beginning January 1, 1983 at a level of 2,446,418 pounds.

Any party wishing to comment or provide data or information regarding the treatment of Category 604 under the Bilateral Wool and Man-Made Fiber Textile Agreement with the Government of the Socialist Republic of Romania, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in Category 604, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-10069 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1983 commodities and services provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: May 18, 1983.

ADDRESS: Committee for purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1983, November 18, 1982 (47 FR 52101):

SIC 7349

Janitorial/Custodial Services, Lewisville Lake Park, Lewisville, Texas.

SIC 7369

Commissary Shelf Stocking and Custodial Service, Homestead Air Force Base, Florida.

Deletions

It is proposed to delete the following commodities and a service from Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7510

Portfolio
7510-00-616-7241
7510-00-551-9813
7510-00-616-7239
7510-00-558-1571
7510-00-995-4857
7510-00-995-4854
7510-00-995-4853
7510-00-995-4850

SIC 7399

Assembly, Food Packet, Isolated Site (8 Menus).

C. W. Fletcher,

Executive Director.

[FR Doc. 83-10136 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-33-M

Agency Submission to the Office of Management and Budget for Clearance

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Notice of information collection request; extension.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Committee for Purchase from the Blind and Other Severely Handicapped (Committee) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) an SF-83, "Request for OMB Review" to extend the authority to continue the recordkeeping requirements contained in 41 CFR 51-4.3(c).

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On May 15, 1981, OMB approved an information collection proposal submitted by the Committee and assigned it control number 3037-0005. That authority expires May 31, 1983.

It is proposed to extend the recordkeeping requirements of 41 CFR 51-4.3. The files required by that section are necessary to ensure that workshops participating in the Committee's program employ persons who are blind or other severely handicapped in the production of commodities and the provision of services for at least 75% of the hours of direct labor performed in the workshop in each fiscal year as required by 41 U.S.C. 48b (3) and (4).

C. W. Fletcher,

Executive Director.

[FR Doc. 83-10138 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 15, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: On November 12, 1982, December 23, 1982, January 7, 1983 and January 21, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 51180, 47 FR 57324, 48 FR 859 and 48 FR 2816) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

Class 7510

Binder, Looseleaf (Presentation Style)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400
(For GSA Regions 1, 5, 6, 7, 8, 9, 10)

Class 7530

Card, Index
7530-00-238-4316
7530-00-244-7453
7530-00-244-7456
7530-00-244-7451
7530-00-244-7459
7530-00-238-4319
7530-00-949-2787
7530-00-238-4331
7530-00-243-9436
7530-00-247-0310
7530-00-281-1315
7530-00-247-0318
7530-00-264-3723
7530-00-247-0311
7530-00-244-7447
7530-00-247-0315
7530-00-243-9437

Class 8465

Cover, Field Pack, Camouflage, White
8465-00-001-6478

SIC 7349

Janitorial/Custodial, National Zoological Park, Washington, D.C.

SIC 7369

Commissary Shelf Stocking, Naval Air Station, Point Mugu, California
Commissary Shelf Stocking, Naval Air Station, Fallon, Nevada

SIC 7399

Repair of Air Cargo Pallet, Top and Side Nets, Wright-Patterson Air Force Base, Ohio

SIC 7699

Drill Sharpening, Naval Supply Center, San Diego, California

SIC 9199

Publications Distribution, Naval Construction Battalion Center, Gulfport, Mississippi.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-10137 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee of the Advanced Tactical Fighter (ATF) Technology will meet at Wright-Patterson AFB, OH, on May 19, 1983. The purpose of the meeting will be to review Aeronautical Systems Division's technology efforts for possible application to the ATF. The meeting will convene at 9:00 a.m. and adjorn at 5:00 p.m.

The meeting concerns matters listed in Section 552b (c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer

[FR Doc. 83-10037 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board Aircraft Panel on the Advanced Tactical Fighter (ATF) Technology Study will meet at The Pentagon, Washington, DC, on May 13, 1983. The purpose of the meeting will be to review related NASA technology efforts for possible application to the ATF. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10036 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee on Software will meet at Headquarters Space Division, Los Angeles, CA, on May 12–13, 1983. The purpose of the meeting will be to review industry approaches to some of the identified USAF software problems and to review Logistics Command practices in supporting operational system software. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. each day.

The meeting will be open to the public; however, any person seeking presentation time on the agenda should submit the topic, academic and/or industrial credentials associated with the topic, and a letter of justification to the Secretariat below.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10035 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board Weapons and Avionics Panel of the Advanced Tactical Fighter Technology Study will meet at Wright-Patterson AFB, OH on May 2–6, 1983. The purpose of the meeting will be to assess the USAF technology position on avionics and to visit several contractor facilities if required. The meeting will convene at 8 a.m. and adjourn at 4:30 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10010 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Air Force USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee of the Advanced Tactical Fighter (ATF) Technology will meet at the ANSER Building, 400 Army-Navy Drive, Arlington, VA, on May 26–27, 1983. The purpose of the meeting will be to receive briefings on the requirements for future vehicles as envisioned by senior USAF personnel. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10084 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Reestablishment of the Board of the Advisors to the Superintendent, Naval Postgraduate School

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the superintendent, Naval Postgraduate School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The board provides advice and recommendations concerning curricula, instruction, physical equipment, and adminstration, to the Superintendent, Naval Postgraduate School.

Membership on the committee will be balanced in terms of the functions to be performed by utilizing a cross-section of individuals with expertise in the fields of education, business, and science.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9783 Filed 4-14-83; 8:45 am]

BILLING CODE 3810-01-M

Reestablishment of the Academic Advisory Board to the Superintendent, United States Naval Academy

Under the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The board will examine the academic policies, and practices at the Naval Academy and submit proposals to the Superintendent to aid him in improving

educational standards and in solving academic problems.

Membership on the committee will be balanced in terms of the functions to be performed by selecting individuals from the academic world, the business community, and the Navy.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9764 Filed 4-14-83; 8:45 am]

BILLING CODE 3810-01-M

Reestablishment of the Board of Advisors to the President, Naval War College

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the President, Naval War College has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The Board will examine educational, doctrinal, enrollment and research policies and programs at the Naval War College, and submit recommendations to the President, Naval War College.

Membership on the committee will be balanced in terms of the function to be performed by selecting individuals with military, government, business, and academic backgrounds.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9765 Filed 4-14-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Marketing Rate for Hanford Extension Energy, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of Proposed Continuation of Marketing Rate for Hanford Extension Energy, Public Hearings, and Opportunities for Public Review and Comment.

BPA File Number: HR-83.

SUMMARY: Bonneville Power Administration (BPA) is proposing to continue its present marketing rate for Hanford extension energy through the 1983-1993 contract period. Rates for transmission of Hanford extension energy will be addressed separately. The marketing rate is specified in a May 8, 1974, letter agreement between BPA, the Washington Public Power Supply System (Supply System), and the five investor owned utility (IOU) project participants. The rate is also provided in the "Utility Agreement," Contract No. 79120, which was approved by the Energy Regulatory Administration (ERA) on September 26, 1978. The Utility Agreement will expire on June 30, 1983. BPA is proposing to seek from the Federal Energy Regulatory Commission (FERC) an extension of the marketing rate contained in the Utility Agreement for the period July 1, 1983, through October 31, 1983. A new contract will be implemented for the November 1, 1983, through June 30, 1993, period. The present marketing rate is a cost-based rate based only on the costs of the Hanford Project. The extension will be based on new costs and will result in a higher cost per kilowatthour.

Opportunities will be available for interested persons to review the proposed marketing rate, to participate in hearings, and to submit written comments. These opportunities and procedures will be provided during the hearings for development of BPA's proposed 1983 wholesale power and transmission rates. A detailed discussion and description of these opportunities and procedures was presented in the **Federal Register** on March 28, 1983, in BPA's "Notice of Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment" (48 FR 12777). During the development of the final marketing rate proposal, BPA will evaluate all written and oral comments received during this process.

DATE: Persons wishing to become a formal "party" to the proceedings must notify BPA in writing of their intention to do so by April 22, 1983. Parties to BPA's 1983 wholesale power and transmission rate hearings (as admitted by the Hearing Officer at the April 11, 1983, prehearing conference) need not file an additional petition to intervene.

ADDRESSES: Petitions ot intervene should be addressed to Honorable Seymour Wenner, Hearing Officer, P.O. Box 12999, Portland, Oregon 97212. Hearing dates for the formal hearing process are available from the Public Involvement Office at the address below.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Johnson, Public Involvement Office, P.O. Box 12999, Portland, Oregon, 503-230-3478. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

I. Procedures Governing Rate Adjustments and Public Participation

A description of BPA's Procedures Governing Rate Adjustments and Public Participation was presented in the **Federal Register** on March 28, 1983, in BPA's "Notice of Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment" (48 FR 12777).

II. Proposed Marketing Rate for Hanford Extension Energy

The proposed marketing rate for Hanford extension energy is specified in the May 8, 1974, letter agreement between BPA, the Supply System, and the five IOU project participants. The manner in which the rate is to be implemented is set forth in two contracts. The 1983-1993 Continued Operation Agreement, executed by BPA and the Supply System on July 9, 1982, addresses the process by which the Supply System is reimbursed by BPA for the investor owned utility portion of the Hanford Generating Project costs. The proposed marketing agreement specifies the procedures by which BPA recovers these costs from the participating IOU's The language of both contracts is consistent with the May 8, 1974, letter agreement.

Under the terms of the May 8, 1974, letter agreement, each IOU participant agreed to pay one-tenth of the costs of producing energy from the Hanford Generating Project (HGP) in return for one-tenth of the project output. Paragraph one of the agreement reads as follows: "Each company shall have the option to purchase up to one-tenth of the net energy output available due to continued operation of the Hanford Project after October 31, 1977. As payment for such energy the company shall pay one-tenth of the Supply System's annual budget for the project during the period of operation less one-tenth of the amounts specified in section 11(b) of the Exchange Agreement for the related periods ending June 30, 1980, and less one-tenth of any debt service on the Hanford Project for each contract year thereafter. The amounts to be paid for lesser amounts of energy would be ratably reduced. The company may assign all or a portion of its share to the remaining companies subject to the same terms and conditions."

The costs described in the May 8, 1974, letter agreement are determined by the Supply System. The IOU participants are to put an amount of

money into the BPA Trust Fund equal to their share of the net sum of: (1) The Supply System's estimated steam expense for the month as specified in the Hanford Steam Energy Agreement and as designated in the Supply System's monthly invoice, (2) one-twelfth of the Supply System's total annual operating expenses as included in the HGP Operating Budget, and (3) the Supply System's net adjustment between actual steam expenses and payments for steam made from the Trust Deposit in the prior month of the Operating Year. (No net adjustment would be made in the first month of the Operating Year.)

BPA will prepare an appropriate National Environmental Policy Act (NEPA) environmental review under the NEPA guidelines before implementation of the proposal.

Additional information regarding the Hanford Generating Project was presented in the *Federal Register* on February 10, 1983, in BPA's "Notice of Intent to Revise Hanford Extension Energy Rate to Become Effective November 1, 1983, Request for Recommendations and Suggestions" (48 FR 7001).

Issued in Portland, Oregon, April 8, 1983.

George A. Tupper,

Acting Administrator.

[FR Doc. 83-10081 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Case Nos. 94OV00195, 93OT00281]

Petrolane-Lomita Gasoline Co. and Petrolane Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Petrolane-Lomita Gasoline Company and Petrolane Incorporated as a final order of the Department.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Herbert F. Buchanan, Deputy Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002. (713) 229-3700.

SUPPLEMENTARY INFORMATION: On February 1, 1983, Vol. 48 FR page 4525, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Petrolane-Limita Gasoline Company and its parent, Petrolane Incorporated (Petrolane/Petrolane-Lomita) which would not become effective sooner than 30 days after publication of the notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Petrolane/Petrolane-Lomita's potential civil liability arising out of the mandatory Petroleum Allocation and Price Regulations in connection with the firm's transactions involving natural gas liquids, natural gas liquid products, propane, butane, and natural gasoline during the period of federal price controls. The Consent Order requires Petrolane/Petrolane-Lomita to remit $3,000,000.00 to DOE, which includes interest accrued through the effective date of the Consent Order, to be paid in eight quarterly installments commencing 60 days after the effective date of the Consent Order. The Consent Order also requires Petrolane/Petrolane-Lomita to pay $60,000 in compromise of civil penalties relating to the matters covered by the Consent Order, within 30 days of the effective date of the Consent Order.

Two comments were received. These comments did not contest the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by Petrolane/Petrolane-Lomita. These comments, both from states, proposed that the funds be distributed to the states for transportation improvement projects, energy conservation, energy research and development or other energy-related projects.

Since the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the person who ultimately bore the burden of the alleged violations. The commenters' suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Petrolane-Lomita Gasoline Company and petrolane Incorporated, therefore, was made final and effective on March 29, 1983.

Issued in Dallas, Texas, on the 29th day of March 1983.

Herbert F. Buchanan,

Deputy Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10080 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

[Case No. 65OX00304]

Tauber Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Tauber Oil Company as a final order of the Department.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Herbert F. Buchanan, Deputy Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002. (713) 229-3700.

SUPPLEMENTARY INFORMATION: On February 1, 1983, Vol. 48 FR page 4526, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Tauber Oil Company which would not become effective sooner than 30 days after publication of the notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Tauber Oil Company's potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations in connection with the firm's transactions involving crude oil during the period of federal price controls. The Consent Order requires Tauber Oil Company to remit $575,000 to DOE within 15 days of the effective date of the Consent Order and specifies that DOE will determine the ultimate disposition of the funds.

One comment from a state was received. This comment did not contest the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by Tauber Oil Company. This commenter, for example, proposed that the funds be distributed to the states for energy conservation, energy research and development or other energy-related projects.

Since this comment addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the persons who ultimately bore the burden of the alleged violations. The commenter's suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Tauber Oil Company, therefore, was made final and effective on March 28, 1983.

Issued in Dallas, Texas, on the 28th day of March 1983.

Herbert F. Buchanan,

Deputy Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10079 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-442-000]

Arkansas Power and Light Co.; Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, Arkansas Power and Light Company (AP&L) submitted for filing the Sixth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Arkansas Electric Cooperative Corporation (AECC). The Amendment provides for the abandonment of two points of delivery and the increase in maximum capacity of eight points of delivery.

AP&L requests that the Commission waive any requirements with which AP&L has not already complied.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-0961 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-14-000]

Connecticut Municipal Electric Energy Cooperative v. Northeast Utilities and its Subsidiaries, the Connecticut Light and Power Company, Northwast Utilities Service Company, and Northeast Nuclear Energy Company; Filing

April 11, 1983.

The filing party submits the following:

Take notice that the Connecticut Municipal Electric Energy Cooperative ("CMEEC"), on March 31, 1983, filed a Complaint against Northeast Utilities ("NU") and its subsidiaries, the Connecticut Light and Power Company ("CL & P"), Northeast Utilities Service Company, and Northeast Nuclear Energy Company. The complaint concerns the terms and conditions and charges for service rendered under the following electric service rate schedules:

Unit Contract—Norwalk Harbor, Units Nos. 1, 2, and 3
Unit Contract—Montville, Units Nos. 5, 6, 10, and 11
Unit Contract—Devon, Units Nos. 7, 8, and 9
Unit Contract—Millstone Point, Units Nos. 1 and 2
Unit Contract—Northfield Mountain, Units Nos. 1, 2, 3, and 4
Unit Contract—Tunnel, Units Nos. 1 and 2
Unit Contract—Bulls Bridge, Units Nos. 1, 2, 3, 4, 5, and 6
Unit Contract—Shepaug, Unit No. 1
Unit Contract—Middletown, Units Nos. 1, 2, 3, 4, and 10

The Complaint includes a request for hearing and expedited consideration. CMEEC submitted a proposed procedural schedule under which hearings in this proceeding would begin on July 6, 1983.

Each of the unit contracts is a cost-of-service arrangement which provides that either party can petition the Commission pursuant to Section 206 of the Federal Power Act to establish just and reasonable terms and conditions. CMEEC request the Commission to adjust the return on common equity and the percentage for A&G expenses allowed under the unit contracts.

In addition to requesting adjustments in the terms of the unit contracts, CMEEC alleges that CL&P has acted in contravention of the contracts on file with the Commission. CMEEC requests the Commission to require CL&P to exclude its investment in the Yankee Atomic units from the common equity portion of its capital structure and to provide information reasonably requested by CMEEC under the contracts.

CMEEC states that the reduction in the rate of return on equity and adjustments to capital structure will reduce annual charges payable by CMEEC under the life-of-unit contracts by approximately $1,678,117 to $1,800,232 based on estimated expenses and revenues for the 12-month period ending December 31, 1983. CMEEC states that the proposed reduction in the percentage allowance for A&G expenses will reduce annual charges payable by CMEEC under the life-of-unit contracts by an estimated $399,335 for the 12-month period ending December 31, 1983.

CMEEC states that a copy of the filing was served on Northeast Utilities and its subsidiaries, which are the only utilities providing service under the nine unit contracts.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-0962 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-436-000]

Consumers Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on March 31, 1983, tendered for filing Consumers' Amendment No. 1 to the Electric Coordination Agreement with Detroit Edison Company (Detroit Edison) dated as of January 5, 1976. This is Consumer's Rate Schedule FPC No. 41.

Consumers states that Amendment No. 1 increases the demand charge for Short Term Capacity from 45¢ to 80¢ per kilowatt per week. The capacity charge

based on hourly deficiencies in Operating Reserve is increased in the same proportion.

Consumer states that the extent and use of short term capacity during the twelve months beginning April 1, 1983 is not possible to predict at this time, since the services will only be scheduled from time to time as load and capacity conditions of the parties dictate.

Consumers requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served on Detroit Edison and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9983 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-220-000]

Houston Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 4, 1983, Houston Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-220-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently engaged in the transportation of natural gas on behalf of United pursuant to a transportation agreement dated June 1, 1979. It is stated that service under the 1979 agreement commenced June 6, 1979, for an intitial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing June 6, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted bases, Applicant requests Commission authorization pursuant to § 284.127(b) of the Regulations to continue the transportation arrangement for a period of two years commencing June 6, 1983, and ending June 5, 1985.

Applicant proposes to transport up to 30,000 Mcf of gas per day for United. Applicant would transport United's volumes from points located on applicant's pipeline facilities in Nueces and Goliad Counties, Texas, to either or both (i) The interconnection of Applicant's and United's pipeline facilities near Bayside, Refugio County, Texas, and (ii) a point or points located on United's pipeline facilities in Newton, Sabine and San Patricio Counties, Texas. It is stated that service would continue to be conducted under the terms and conditions of an amendment to the 1979 agreement dated February 24, 1983. Applicant states that the other intrastate pipline needed to aid it in effectuating the basic transaction between Applicant and United is Channel Industries Gas Company (Channel).

Applicant states that effective June 6, 1983, United would pay Applicant 6.0 cents per million Btu for the transportation service it performs exclusive of the volumes redelivered to United in Newton, Sabine and San Patricio Counties, Texas. It is further indicated that a portion of the revenues dervied from the 6.0-cent per million Btu rate would be paid by Applicant to Channel.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9984 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-445-000]

Idaho Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 4, 1983, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company: Supplement 16
Montana Power Company: Supplement 14
Sierra Pacific Power Company: Supplement 14

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9985 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-444-000]

Maine Public Service Co. Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, Maine Public Service Company ("the Company") tendered for filing an application to revise the method for calculating its Fuel and Purchase Energy Adjustment Clause to permit

Synchronization of fuel and purchased energy revenues and costs on a monthly basis. The Company requests that the new method of calculation be permitted to become effective on June 1, 1983. The Company States that the revised method would result in its collecting approximately $56,000 less revenue if the revised method had been in effect for calendar year 1983.

The affected customers are the Houlton Water Company, the Van Buren Light and Water District and the Maine Electric Cooperative, Inc., which the Company states have agreed to the revised method.

The Company states that copies of its filing have been served on the affected wholesale customers and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-0986 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-243-000]

Michigan Consolidated Gas Co.; Application and Petition

April 11, 1983.

Take notice that on March 18, 1983, Michigan Consolidated Gas Company (Michigan Consolidated), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP83-243-000, a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring that Commission authorization is unnecessary to engage in certain transactions, or, in the alternative, an application pursuant to Section 7(c) of the Natural Gas Act (NGA) for a restricted limited-term certificate of public convenience and necessity authorizing Michigan Consolidated to engage in transactions incident to the direct sale of surplus natural gas supplies to Indiana Glass Company (Indiana Glass), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, Michigan Consolidated has agreed to sell to Indiana Glass up to 4,000 dt equivalent of natural gas per day and 1,500,000 dt equivalent of natural gas per year, subject to interruption to the extent the gas supplies are required by Michigan Consolidated to provide adequate service to its distribution customers. It is stated that the term of the agreement is for an initial period of two years commencing from the date of first deliveries and is automatically extendable for successive two-year periods unless cancelled by either party by notification within 30 days of the end of the current two-year term. The proposed rate to be charged by Michigan Consolidated would be the sum of : (1) The gas-cost component of the commodity rate of Michigan Wisconsin Pipe Line Company's (Mich Wisc) Rate Schedule MC-1 under which Michigan Consolidated purchases gas from Misc Wisc, (2) the gas-cost component of the commodity portion of any applicable purchased gas adjustment charges by Mich Wisc for such rate, plus (3) five cents. Michigan Consolidated states that this rate represents its incremental cost of gas plus Mich Wisc's charge for transportation, plus three cents, and that this total rate is currently $3.45 per dt equivalent. Mich Wisc proposes in Docket No. CP83-212-000 to transport the above sales volumes, by displacement, from its existing point of interconnection with Michigan Consolidated at Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan, to its existing point of interconnection with Indiana Gas Company (Indiana Gas) near the City of Muncie in Delaware County, Indiana, for subsequent redelivery by Indiana Gas to Indiana Glass.

Michigan Consolidated indicates that the gas sold to Indiana Glass is a less expensive source of supply than Indiana Glass' traditional supplier, Indiana Gas, and that the proposed sale would result in annual fuel cost savings for Indiana Glass of approximately $1,200,000 and would likely prevent permanent extensive lay-offs of employees. Michigan Consolidated further states that upon authorization of the requested service, Indiana Glass would be able to recall approximately 425 employees currently laid off.

In its application, Michigan Consolidated petitions the Commission to issue a declaratory order stating that no Commission authorization is necessary to engage in the proposed transactions since: (1) The contemplated sale of gas to Indiana Glass is a direct sale to an end-user and not a sale for resale and is exempt from Commission jurisdiction under Section 1(b) of the NGA, and (2) the transportation of natural gas in interstate commerce necessary for this sale will be accomplished solely by Mich Wisc and Michigan Consolidated will, therefore, not transport the gas in interstate commerce. Michigan Consolidated requests that the declaratory order specifically state that Michigan Consolidated requires no Commission authorization to undertake the proposed transactions and that none of Michigan Consolidated's facilities are or will be subject to the Commission's jurisdiction by virtue of engaging in these transactions.

Michigan Consolidated avers that if the Commission should determine that it is necessary for Michigan Consolidated to obtain authorization under Section 7(c) of the NGA, it is in the present and future public convenience and necessity for such authorization to be granted for a limited term, with pregranted abandonment authorization upon the termination of the underlying sales agreement by either party and be expressly conditioned so as not to effect any change in the non-jurisdictional status of any sales, operations, or facilities of Michigan Consolidated other than those which are the subject of such limited authorization. Michigan Consolidated submits that the Commission should state in any order granting such authorization that acceptance of the certificate will not impair the continued validity of the exclusion from the Commission's jurisdiction previously granted to Michigan Consolidated pursuant to Section 1(c) of the NGA except to the extent necessary to enforce the terms and conditions of such certificate. Michigan Consolidated further requests that any such order expressly waive any and all accounting and reporting requirements except those expressly applicable to the authorized transaction.

Any person desiring to be heard or to make any protest with reference to said petition and application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Michigan Consolidated to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9987 Filed 4-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-441-000]

New England Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the New England Power Company (NEP) tendered for filing a Power Contract between NEP and Boston Edison Company that provides for the sale of a 100,000 kilowatt entitlement in NEP's Bear Swamp Project.

NEP requests an effective date of February 7, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9988 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-446-000]

Niagara Mohawk Power Corp.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on April 4, 1983, tendered for filing as a supplement to an existing rate schedule, an agreement between Niagara, The Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO) dated July 19, 1982.

Niagara presently had on file an agreement with CL&P and WMECO dated January 19, 1981, and amended July 28, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 115. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that this supplement revises the transmission rate as provided for in terms of the original agreement.

Niagara requests an effective date of September 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Connecticut Light and Power Company, Western Massachusetts Electric Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practrice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9989 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-218-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Application

April 11, 1983.

Take notice that on March 4, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-218-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 137,500 Mcf of natural gas per day on behalf of Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Transcontinental Gas Pipe Line Corporation (Transco), and Michigan Wisconsin Pipe Line Company (Mich-Wis) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the shippers would purchase synthetic gas produced at the Great Plains Coal Gasification Plant near Beulah, North Dakota, now scheduled to begin service on or about November 1, 1984. It is stated that the synthetic gas volumes would be delivered from the plant to Northern Border Pipline Company (Northern Border) in North Dakota. Northern Border, it is asserted, would transport the synthetic volumes commingled with natural gas and redeliver equivalent volumes to Applicant at an existing interconnection at Ventura, Iowa.

Applicant further states that it would transport and deliver these volumes to the shippers at the rates, quantities and destinations shown below:

Volumes transported for the account of	Delivery point (existing)	Individual contract quantity (Mcf per day)	Monthly demand charge	Overrun commodity rate (per Mcf) (cents)
Natural	Glenwood, Iowa	27,500	74,070	8.86
Tennessee	Janesville, Wisconsin	41,250	546,869	43.61
Transco	Janesville, Wisconsin	34,375	455,725	43.61
Mich-Wis	Janesville, Wisconsin	34,375	455,725	43.61

Applicant states that it would transport these volumes on a firm basis and additional unspecified volumes on a best-efforts basis under the terms contained in the contracts for a 25-year term.

Applicant proposes to construct and operate approximately 59.3 miles of 26-inch outside diameter loopline, 11,500 horsepower of compression facilities and appurtenant facilities in Wisconsin, Illinois and Iowa at an estimated cost of $68,400,000. Applicant asserts that it would finance the proposed construction with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9990 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-447-000]

Puget Sound Power & Light Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Puget Sound Power & Light Company (Puget) on April 4, 1983, tendered for filing, as an initial rate schedule, an Agreement dated November 22, 1982, between Puget and the City of Seattle, City Light Department (Seattle).

Puget states that the agreement requires Puget to make available to Seattle 50 megawatts of capacity during the months of December 1982 and January, February 1983. Seattle is required to pay Puget $1.50 for each kilowatt-month of capacity made available and an additional $1.50 for each kilowatt of the maximum demand that Seattle either needs or schedules. The Agreement generally provides for the return of all energy associated with capacity scheduled by Seattle. If the energy is supplied from Puget's gas or oil-fixed generating resources or power purchases, Puget may elect to sell such energy to Seattle at the actual incremental cost of generating or purchasing such energy.

Puget requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon Seattle.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9991 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-261-004]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Co. (Trunkline) on March 25, 1983, tendered for filing Third Revised Sheet No. 3341 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-31. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9992 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-43-006]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Company (Trunkline) on March 25, 1983, tendered for filing Sixth Revised Sheet Nos. 1301 and 1302 and First Revised Sheet No. 1302.1 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-31. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9993 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-262-003]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Company (Trunkline) on March 25, 1983, tendered for filing No. 3295 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-76. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9994 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-241-000]

United Gas Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 18, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-241-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the Crockett compressor station which is located in Houston County, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that the Crockett compressor station consists of one 150 horsepower reciprocating compressor installed in 1957 and one 165 horsepower reciprocating compressor installed in 1959. It is asserted that the compressor facilities at the Crockett station were originally installed to compress gas south to Huntsville, Texas, and accommodate peak day demand. Applicant states that in recent years the demand for gas in the Huntsville area has diminished to the extent that the aforementioned compression facilities are no longer needed on this portion of Applicant's system. Furthermore, Applicant states that it does not foresee any condidtion warranting a future use of the facilities in this area. Therefore, Applicant proposes the abandonment of such facilities. Applicant states that the proposed abandonment would have no impact on Applicant's existing customers and would not adversely affect its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9995 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-237-000]

United Gas Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 17, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 83-237-000 an application pursuant to Section 7(b) of the Natural Gas Act, for permission and approval to abandon the Florenville compressor station located in St. Tammany Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Florenville compressor station consists of two 7,500 horsepower compressors located on its Southeast-to-Mobile pipeline in St. Tammany Parish, Louisiana. Applicant submits that the Florenville station has not been required for daily operations in recent years due to decline of demand in the area. Applicant states that it does not foresee any need for the Florenville station in the future and states that the abandonment of the station would cause no change in the gas flow of Applicant's system and the proposed abandonment would have no impact on its customers since this station is not now used.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believe that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9996 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-443-000]

Washington Water Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the Washington Water Power Company (Washington) tendered for filing a copy of the service schedule applicable to what Washington refers to as a "Letter Agreement" dated January 25, 1983, between Washington and the Western Area Power Administration (WAPA) which applies to the sale of energy which is surplus from Washington's portion of the Centralia coal-fired steam plant and other resources or firm purchases which Washington is willing to make available to WAPA.

Washington requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person disiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9997 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-439-000]

Connecticut Light & Power Co.; Notice of Filing

April 12, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated November 1, 1982 between (1) CL&P, Western Massachusetts Electric Company (WMECO) and Holyoke Water Power Company (HWP, and together with CL&P and WMECO, the NU Companies) and (2) City of Holyoke, Massachusetts Gas and Electric Department (HG&E).

CL&P states that the Transmission Agreement provides for transmission services to HG&E for the wheeling of their purchase from the Massachusetts Municipal Wholesale Electric Company (MMWEC) of a portion of MMWEC's entitlement obtained from Salem Harbor Units No. 1, 2 and 3 during the period from November 1, 1982 to April 30, 1983.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts HG&E is entitled to receive during such month. The monthly transmission charge is reduced by up to 50% to give due recognition for payments made by HG&E to other utility systems also providing transmission service.

CL&P requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO, HWP, and HG&E.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10115 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-242-000

El Paso Natural Gas Co.; Notice of Application

April 12, 1983.

Take notice that on March 18, 1983, El Paso Natural Gas Company (Applicant), P. O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-242-000 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing delivery of relinquished volumes of Docket No. RP76-38 Refund Gas to Southern California Gas Company (SoCal) for the Department of Water and Power, City of Los Angeles' (DWP) account at existing points of interconnection between the pipeline systems of Applicant and SoCal in Mohave and Yuma Counties, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by order issued March 26, 1981, in Docket No. RP72-6, *et al.*, the Commission approved the stipulation and agreement submitted by Applicant on December 29, 1980. The stipulation and agreement, it is asserted, embodied a comprehensive negotiated settlement of numerous interrelated Commission proceedings and court cases including the complaint proceeding then pending before the Commission in *Arizona Electric Power Cooperative, Inc., and the City of Willcox, Arizona* v. *El Paso Natural Gas Co.*, Docket No. RP76-38. The specific terms and conditions upon which the complaint proceeding at Docket No. RP76-38 was settled are set forth as ARTICLE XI of the stipulation and agreement, it is explained, and, it is further explained that basically ARTICLE XI establishes the entitlement of each of certain named persons (Recipients) to a certain volume of Refund Gas. It is stated that each Recipient is given the discretion either to itself receive Refund Gas volumes to which it is entitled or, alternatively, in accordance with Section 11.9 of ARTICLE XI to relinquish the right to receive such volumes to Applicant. Under Section 11.9, Applicant asserts that it offers on a direct sale basis to those persons named in subsection 11.9(b) (Direct Purchasers of Relinquished Volumes) at a price established in accordance with subsection 11.9(d) such volumes of "relinquished" Refund Gas as are available through the elections made by the individual Recipients. Applicant states that it then rebates the net proceeds of any such sale to those Recipients which elected to relinquish.

The application states further that on April 28, 1982, Applicant filed its Submittal of Proposed Amendment II of Stipulation and Agreement in Docket No. RP72-6-035 wherein Applicant requested approval of a modification of subsection 11.9(b) of ARTICLE XI to remove, in effect, the prohibition from proposing arrangements for the direct sale by Applicant of relinquished volumes of Refund Gas to persons which were not among the limited group of Direct Purchasers of Relinquished Volumes identified in that subsection. Under the modified subsection 11.9(b), Applicant states that it is required to interrupt any such sale on any day when it is itself purchasing "best efforts" gas (other than in a "first sale" within the meaning of the Natural Gas Policy Act of 1978 on an "emergency" or other short-term basis and it is not otherwise able to satisfy fully the requirements of its existing customers, including SoCal, and of those Direct Purchasers of Relinquished Volumes which are specifically named in said subsection). It is stated that the Commission issued an order approving this amendment of the stipulation and agreement on August 31, 1982. Accordingly, Applicant states that it is seeking authorization to deliver relinquished volumes of Docket No. RP76-38 Refund Gas to SoCal for DWP's account at existing points of interconnection between the pipeline systems of Applicant and SoCal in Mohave and Yuma Counties, Arizona, to permit the direct sale of such gas by Applicant to DWP.

Applicant further states that DWP's electric facilities, which are comprised of four electric generating power plants, generate electricity for use in the City of Los Angeles and its environs. It also states that these plants are presently capable of burning fuel oil and natural gas; however, with the exception of minimal purchases in November 1982 and March 1983 DWP has not purchased any quantities of natural gas from SoCal since May 1982. This situation according to Applicant has resulted primarily because DWP has been able to operate at a lower cost by burning low sulfur fuel oil in lieu of natural gas purchased from SoCal. Applicant states that it has available for direct sale certain quantities of relinquished Refund Gas at a price that is below the price DWP is currently paying for low sulfur fuel oil. Moreover, it is asserted that DWP is desirous of purchasing such quantities from Applicant and Applicant is desirous of selling, on a direct sale basis, quantities of relinquished Refund Gas for use as fuel in the operation of DWP's electric generating power plants. It is submitted that in order to effectuate the direct sale arrangement, Applicant and DWP have entered into a gas sales agreement dated March 17, 1983, which governs the direct sale of relinquished Refund Gas for DWP's requirements at its power plants.

Pursuant to the terms and conditions of the agreement, Applicant asserts that it would cause to be delivered to SoCal for DWP's account such relinquished volumes of Docket No. RP76-38 Refund Gas, if any, as Applicant would from time to time determine to be available to DWP in accordance with paragraph 1.2 of Article I ARTICLE I of the agreement. It is stated that the agreement provides that the availability of relinquished Refund Gas to DWP is subject to the conditions established in the modified subsection 11.9(b) of Applicant's stipulation and agreement and is subject, further, to the availability of capacity in Applicant's pipeline system to deliver such gas to SoCal for DWP's account. It is stated that said quantities of relinquished Refund Gas would be delivered by Applicant to SoCal, for DWP's account, at existing points of interconnection between the pipeline systems in Mohave and Yuma Counties, Arizona, at delivery pressures not to exceed 615 psig and 600 psig, respectively. It is explained that SoCal would concurrently transport and deliver such quantities to DWP's power plant through utilization of its existing intrastate system facilities. It is stated that the rate be paid by DWP for the quantities of natural gas delivered by Applicant in any month is the price per Mcf which Applicant has established as the value "X" in accordance with subsection 11.9(d) of ARTICLE XI of the stipulation and agreement.[1] The term of the subject Agreement would become effective upon the date of the Agreement and performance would commence on the date of initial delivery subject to certain conditions contained in the Agreement and would continue thereafter in full force and effect for a primary term of twelve months and from

[1] Such rate for the month of March 1983 has been determined to be $4.52 per Mcf, which equates to $4.30 per million Btu.

month to month thereafter, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10110 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-246-000]

El Paso Natural Gas Co. and Tenneco Oil Co.; Notice of Application

April 12, 1983.

Take notice that on March 21, 1983, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, and Tenneco Oil Company (Tenneco), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-246-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open public inspection.

Applicants state that El Paso as part of its gas acquisition program has contracted for the right to purchase up to 30,000,000 Mcf of Tenneco's uncommitted interest in the reserves underlying Block 60, South Marsh Island area, offshore Louisiana, and for 100 percent of the interest of C&K Petroleum Inc., *et al.*, in reserves underlying Block 237, East Cameron area, offshore Louisiana. It is further stated that Tenneco in its ongoing oil and gas production efforts has acquired ownership or control over certain natural gas reserves located in San Juan and Rio Arriba Counties, New Mexico. Applicants assert that the gas supplies attributable to El Paso's interest in the natural gas reserves underlying Blocks 60 and 237 are not located in close proximity to El Paso's existing interstate pipeline system and that the natural gas supplies owned or otherwise controlled by Tenneco in San Juan and Rio Arriba Counties are not located near the interstate pipeline system of Tenneco's affiliate.

Accordingly, it is stated, El Paso and Tenneco have entered into a November 24, 1980, gas exchange agreement whereby said supplies of natural gas can be made available in El Paso's case to augment its general system supply and in Tenneco's case for use in certain plant and refinery operations and for direct sale.

Applicants state that pursuant to the terms and conditions of the exchange agreement, El Paso has agreed to receive for the account of Tenneco for a period continuing until July 1, 1990, up to 25,000 Mcf of natural gas per day or such lesser quantity as Tenneco may cause to be tendered to El Paso. It is stated that in exchange therefor El Paso has agreed to cause concurrently to be delivered to Tenneco and Tenneco has agreed to receive from El Paso an equivalent quantity of natural gas on a gas-for-gas basis, after giving effect to a 10 percent reduction for fuel, shrinkage and other losses, at two existing delivery points located in Terrebone Parish, Louisiana, and Waller County, Texas (Cocodrie and Katy delivery points). Applicants state that El Paso would deliver the natural gas for exchange primarily at the Cocodrie delivery point with use of the Katy delivery point limited to only that portion of the total quantity of natural gas to be exchanged that cannot otherwise be accommodated for any reason at the Cocodrie delivery point.

Applicants state that they do not anticipate that Tenneco would have quantities of natural gas available to it in excess of those quantities expected to be available to El Paso for exchange, but if such a situation should arise, El Paso and Tenneco would promptly meet to determine the method by which such imbalance would be eliminated. It is stated that to the extent El Paso would have available at the Cocodrie and Katy delivery points a quantity of natural gas in excess of the quantity Tenneco has tendered for exchange such excess natural gas would be made available to El Paso's interstate pipeline system pursuant to existing and/or future arrangements with third parties.

Applicants assert that no new or additional facilities are required to be constructed or operated by Tenneco in order to effectuate the receipt of gas by El Paso. It is stated that El Paso has existing transportation agreements with Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Houston Pipe Line Company and Oasis Pipe Line Company that provide for the transportation of El Paso's gas from Blocks 60 and 237 to onshore delivery points.

Applicants state that the exchange agreement provides for Tenneco to compensate El Paso as required by payment of the rate in effect and reflected from time to time as the Production Area Charge as set forth in El Paso's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff. In addition, it is asserted that the exchange agreement provides that Tenneco would compensate El Paso as required in the amount of 3.49 cents per Mcf for any processing performed by El Paso on Tenneco's behalf. It is stated that the charges would apply to the quantity of gas remaining after giving effect to a 10 percent reduction in gas for fuel, shrinkage and other losses.

Applicants further request authorization to permit the exchange of natural gas from additional receipt and/or delivery points as may be mutually agreed to from time to time when additional natural gas supplies become available to either El Paso or Tenneco so long as the quantities of natural gas exchanged under the arrangement do not exceed the aggregate total of 25,000 Mcf daily. Moreover, Applicants request blanket authorization for the deletion by mutual consent of receipt and/or delivery points from the exchange arrangement. Further, Applicants state that in the event that additional facilities are required to be installed by El Paso, El Paso would install the new facilities under its blanket certificate authorization in Docket No. CP82-435-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10117 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-233-000]

Kansas-Nebraska Natural Gas Co., Inc.; Application

April 12, 1983.

Take notice than on March 16, 1983, Kansas-Nebraska Natural Gas Company, Inc. (K-N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP83-233-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle) pursuant to the terms of an amended gas exchange agreement providing for an additional delivery point from K-N to Panhandle, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that K-N and Panhandle entered into a March 27, 1970, gas exchange agreement, as amended December 31, 1974, which provides for Panhandle to deliver volumes of K-N's gas from Texas to K-N at a point near Douglas, Wyoming, and for K-N to deliver volumes of Panhandle's gas from Wyoming to Panhandle at a point near Panhandle's Aledo Plant in Oklahoma. Further, it is stated that this exchange also provides for Panhandle to sell certain volumes of its gas to K-N. This exchange agreement, as amended, is on file with the Commission as Rate Schedule TSTE-1 of Panhandle's FERC Gas Tariff and as Rate Schedule T-1 of K-N's FERC Gas Tariff, it is averred.

K-N proposes herein to add a second delivery point to Panhandle near Baker, Oklahoma, pursuant to the terms of a February 7, 1983, amendment to the exchange agreement. The Baker delivery point is required to assure maintenance of adequate service to K-N's customers served by the Douglas delivery point, it is asserted. K-N does not have sufficient volumes of gas available for delivery to Panhandle at the Aledo delivery point and, as a result, a large exchange imbalance has developed, it is averred. It is further stated that the addition of the Baker delivery point would enable K-N to alleviate the exchange imbalance and deliver the necessary gas volumes to Panhandle to help offset those being received from Panhandle at the Douglas delivery point. No new facilities are required by K-N to use the proposed new delivery point, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before

May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K-N to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10118 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-16-000]

Louisiana Power & Light Co.; Notice of Filing

April 12, 1983.

Take notice that on March 29, 1983, Louisiana Power & Light Company (LP&L) filed a document which, in effect, seeks declaratory relief from the Commission regarding LP&L's proposed method of refunding to its firm wholesale customers monies received as a result of a settlement between LP&L and Texaco, Inc., a supplier of natural gas to LP&L.

LP&L proposes that the customers receiving firm wholesale service from LP&L during the period covered by the refunds (1977-1982) will receive refunds calculated in the identical manner prescribed for retail customers by a Louisiana Public Service Commission order of March 21, 1983. The affected wholesale customers are Cajun Electric Power Cooperative, and the Towns of Winnfield, Vidalia, Jonesville, and Minden.

LP&L requests Commission approval of the proposed method of making refunds.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10119 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-252-000]

Natural Gas Pipeline Co. of America; Notice of Application

April 12, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-252-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain pipeline storage facilities located in Kankakee County, Illinois, and for a certificate of public convenience and necessity authorizing the construction and operation of replacement facilities for the pipeline to be abandoned and in part as a new pipeline system situated within the Herscher Mt. Simon storage field, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that in late 1982 Applicant hydrostatically tested its Herscher Mt. Simon storage system. Applicant states that a total of 16 test failures resulted throughout the system. It is asserted that internal inspection of one segment of pipe revealed corrosion damage which Applicant asserts can reasonably be expected to exist as well in other sections of the system. As a result of this testing, Applicant believes that a significant problem exists that should be remedied as soon as possible.

Applicant proposes to remove or retire in place approximately 14.5 miles of 4.5-inch through 24-inch pipeline. applicant states it would construct 12.3 miles of 4.5-inch through 24-inch pipeline sized to meet the peak withdrawal volumes from individual wells. It is stated that the new pipeline system of internally coated pipe would include facilities for pigging and corrosion inhibitor injection as well as permitting the introduction of internal inspection tools to check for corrosion. Applicant estimates that the cost of retirement and construction of new jurisdictional facilities will be $6,854,000 which cost would initially be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10120 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-236-000]

Panhandle Eastern Pipe Line Co.; Notice of Application

April 12, 1983.

Take notice that on March 17, 1983, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-236-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to make direct sales of natural gas for irrigation purposes to three right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of taps to make direct sales of natural gas to Clifford L. Jackson, Hansford County, Texas, Donald B. Hart, Hansford County, Texas, and Everett J. Starkey, Conservatorship, Pratt County, Kansas.

Applicant estimates that the cost of the proposed facilities would be $15,900 which would be financed from cash on hand.

Applicant has further stated it does not propose to increase its authorized level of sales by this proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 29426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10121 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-247-000]

Valero Interstate Transmission Co.; Notice of Application

April 12, 1983.

Take notice that on March 22, 1983, Valero Interstate Transmission Company (Applicant), P.O. Box 1569, San Antonio, Texas 78296, filed in Docket No. CP83-247-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 61 miles of transmission pipeline in Brooks, Hidalgo, Jim Hogg, and Starr Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the abandonment of 47.1 miles of 18-inch pipeline and 14 miles of 14-inch pipeline because it is more economical to abandon the line and transport the small amount of gas currently flowing through the line pursuant to a transportation arrangement with Valero Transmission Company (VTC) than it is to maintain the line as a jurisdictional facility. Applicant states that it would sell the line to VTC.

Applicant states that there would be no diminution of service because service to Applicant's customers before and after abandonment would be equivalent.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10122 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of February 14 Through February 18, 1983

During the week of February 14 through February 18, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 C.F.R. 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 7, 1983.

Dane Energy Company Houston, Texas; Petroleum Products HRO-0124

On February 17, 1983, Dane Energy Company of Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order that the DOE Office of Special Counsel of the Economic Regulatory Administration issued to the firm on January 7, 1983. The State of California also filed a Notice of Objection to the PRO on February 14, 1983.

In the PRO, the Office of Special Counsel found that during the period November 1978 through December 1980, the firm violated the pricing regulations at 10 CFR Parts 205, 210 and 212, Subparts I and L, in its resales of crude oil.

According to the PRO, the Dane Energy violation resulted in $42,562,990.27 of overcharges.

Highway Oil, Inc., Topeka, Kansas; Motor gasoline HRO-0123

On February 14, 1983, Highway Oil, Inc., Topeka, Kansas filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City Office of the Economic Regulatory Administration (ERA) issued to the firm on January 3, 1983.

In the PRO, the ERA found that during the period November 1, 1973 through April 30, 1974, Highway Oil, Inc. overcharged its customers for motor gasoline.

According to the PRO, the pricing violation resulted in $1,335,810.66 of overcharges.

MacMillan Oil Company, Inc., Des Moines, Iowa; Propane, No. 2 Fuel Oil, and Nos. 5 and 6 Residual Fuel Oil HRO-0128

On February 17, 1983, MacMillan Oil Company, Inc. of Des Moines, Iowa, filed a Notice of Objection to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration (ERA) of the DOE issued to the firm on February 1, 1983.

In the PRO, the ERA determined that during the period November 1, 1973 through April 30, 1974, MacMillan improperly applied the DOE pricing regulations in its sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil.

According to the PRO, the MacMillan violation resulted in $383,268.33 of overcharges.

Resources Extraction & Processing Co., Houston, Texas; Natural Gas Liquids HRO-0121

On February 18, 1983, Resources Extraction & Processing Co. (REAPCO), of Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Kansas City, Missouri District Office of Enforcement issued to the firm on January 21, 1983.

In the PRO, the Kansas City District found that during the period October 1978 through December 1980 REAPCO committed pricing violations in sales of natural gas liquids and natural gas liquid products.

According to the PRO, the REAPCO violation resulted in $1,180,330.56 of overcharges.

Tommy Oil Company, Topeka, Kansas; Motor Gasoline HRO-0120

On February 14, 1983, Tommy Oil Company, First National Bank Tower, Suite 1410, 534 Kansas Avenue, Topeka, Kansas, filed a Notice of Objection to a Proposed

Remedial Order which the DOE Kansas City Office of Enforcement issued to the firm on January 3, 1983.

In the PRO, the Kansas City Office found that during the period November 1, 1973 through April 30, 1974, Tommy overcharged its customers in the sale of motor gasoline.

According to the PRO, the Tommy Oil Company violation resulted in $146,527.52 of overcharges.

Gordon K. Walz and Revere Petroleum Corporation, Houston, Texas; Petroleum Products HRO-0125

On February 14, 1983, and February 17, 1983, Mr. Gordon K. Walz and Revere Petroleum Corporation, both of 13101 N.W. Freeway, Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Office of Special Counsel, Economic Regulatory Administration, issued to Mr. Walz and the firm on January 13, 1983.

In the PRO, the Office of Special Counsel found that during the period April 1979 through February 1980, Revere Petroleum and Mr. Walz committed certain violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212.

According to the PRO, the pricing violations resulted in over $50 million of overcharges.

[FR Doc. 83-10011 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Public Hearings on the Summary of the Results of the Evaluation of the Waste Isolation Pilot Plant (WIPP) Site and Preliminary Design Validation Program

AGENCY: Department of Energy.

ACTION: Notice of a public hearing on the summary of the evaluation of the WIPP Site and Preliminary Design Validation (SPDV) program.

SUMMARY: The Department of Energy (DOE) announces a public hearing on a report entitled "Summary of the Results of the Evaluation of the WIPP Site and Pre.iminary Design Validation Program," WIPP-DOE-161 (March 1983). A notice of the availability of WIPP-DOE-161 was published on March 31, 1983 (48 FR 13486). This report discusses the suitability of a WIPP site in southeastern New Mexico based on the evaluation of the results of the SPDV program. The construction and operation of the WIPP is for the purpose of demonstrating the safe permanent disposal of radioactive transuranic nuclear wastes and for research and development on various high level waste forms in mined repository, as authorized by Pub. L. 96-164. A public hearing will be held at the Convention Center in Albuquerque, New Mexico on May 16, 1983.

DATE: The hearing will be held May 16, 1983, from 9:00 a.m. to 10:00 p.m. with recesses from 11:30 a.m. to 1:00 p.m. and 5:00 to 7:00 p.m.

ADDRESS: Send written comments and requests to speak to: U.S. Department of Energy, WIPP Project Office, P.O. Box 5400, Albuquerque, New Mexico, 87115.

Hearing Location: The hearing will be held at the Convention Center in Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT:

1. Mr. Joseph M. McGough, Project Manager, WIPP Project Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115, 505/766-3884.

2. Mr. Lawrence H. Harmon, WIPP Program Manager, Office of Defense Waste and Byproducts Management, Department of Energy, MS B-107, Washington, D.C. 20545, 301/353-5505.

SUPPLEMENTARY INFORMATION:

I. Background of the Project

The Department of Energy has completed the Site and Preliminary Design Validation (SPDV) phase of the Waste Isolation Pilot Plant (WIPP) project at the Los Medanos site in the Delaware Basin of southeast New Mexico. The WIPP project was defined and authorized by Public Law 96-164, the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980, and was the subject of a Record of Decision published at 46 FR 9162, January 28, 1981. The WIPP project, which is set forth as Alternative 2 in the Final Environmental Impact Statement (EIS), DOE/EIS-0026, October 1980, is described as ". . . a defense activity of the Department of Energy administered by the Assistant Secretary of Energy for Defense Programs, for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive waste resulting from the defense activities and programs of the United States. . . ."

Following completion of the SPDV phase, the Department of Energy announced the availability of WIPP-DOE-161 on March 31, 1983 (48 FR 13486). The notice of availability provided general information on solicitation of public comments.

II. Comment Procedures

A. Availability of WIPP-DOE-161

A copy of the WIPP-DOE-161 and supporting documentation have been furnished to the State of New Mexico and placed in the following libraries or reading rooms:

DOE Public Reading Room, National Atomic Museum, Building 10358, Kirtland Air Force Base (East), Albuquerque, New Mexico 87115.

Carlsbad Public Library, 101 South Nalagueno Street, Carlsbad, New Mexico 88220.

New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico 87503.

Martin Speare Memorial Library, New Mexico Tech, Campus Station, Socorro, New Mexico 87801.

Hobbs Public Library, 509 N. Shipp, Hobbs, New Mexico 88240.

Roswell Public Library, 301 N. Pennsylvania Street, Roswell, New Mexico 87801.

Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, New Mexico, 87138.

Thomas Brannigan Library, 106 W. Hadley, Las Cruces, New Mexico 88001.

B. Written Comments

Written comments should be submitted to the WIPP Project Office at the Albuquerque, New Mexico address listed above, on or before May 31, 1983.

III. Public Hearings

A. Conduct of Hearing

The purpose of the hearing is to afford an opportunity for public comment regarding WIPP-DOE-161.

DOE will make a presentation summarizing the project background and the substantive areas of concern raised in written comments received prior to the hearing. The hearing will be informal, conducted by a hearing officer selected by DOE.

DOE reserves the right to arrange the schedule of presentation to be heard and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to be heard.

Questions may be asked only by the person conducting the hearing. Cross examination of persons presenting statements will not be permitted. Any participant who wishes to ask a question at the hearing may submit the question in writing to the hearing officer. The hearing officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the hearing officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE. It will be available for inspection at the DOE Public Reading Room, National Atomic Museum,

Kirtland Air Force Base (East), Albuquerque, New Mexico, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Additional copies of the complete transcript will also be available at the public document centers noted above. Any person may purchase a copy of the transcript from the reporter.

After the close of the public comment period on WIPP–DOE–161, DOE will prepare a report responding to significant issues raised during the period of public comment, including this hearing. The public comments will be used by DOE to assist it in reaching a decision on construction of the WIPP.

B. Full Participation

Any individual may make a written or oral request to DOE for an opportunity to be scheduled to make an oral presentation at the hearing. Requests to participate in the hearing should be received by the WIPP Project Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115, 505/766–3884 no later than 4:30 p.m., May 9, 1983. Requesters are encouraged, to the extent practical, to furnish DOE a summary of the proposed oral presentation with the written request to participate in order for DOE to arrange grouping of participants speaking on similar topics. Participants should contact the WIPP Project Office by telephone on May 12 and 13, 1983, between the hours of 8:00 a.m. and 4:30 p.m. to learn the time scheduled for presentation and the amount of time available. This information will also be available on May 16, 1983 at the hearing. Scheduled speakers are encouraged to provide a written text of their presentation to assist the hearing reporter.

C. Limited Participation

Individuals who do not make an advance request to speak or who were otherwise not scheduled to speak may register at the hearing for an opportunity to speak. An opportunity to speak will be provided to these individuals after scheduled speakers have presented their views. Time for each participant will be limited depending on time available and the number of requests received.

Issued in Washington, D.C., on April 13, 1983.

Troy E. Wade, II

Acting Assistant Secretary for Defense Programs.

[FR Doc. 83–10205 Filed 4–14–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59123; TSH–FRL 2347–4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by May 2, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS–59123)" and the specific TME Number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TX–794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83–43

Close of Review Period. May 15, 1983.

Manufacturer. Confidential.

Chemical. (G) Mixed poly alkoxy alkyl siloxanes and silsesquioxanes.

Use/Production. (G) Functional fluid additive. Prod. range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture: dermal, inhalation and ocular, a total of 12 workers, up to 2 hrs/da, up to 8 da/yr; Processing: dermal, inhalation and ocular, a total of 6 workers, up to 6 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

TIME 83–44

Close of Review Period. May 20, 1983.

Manufacture. Morton Thiokol, Incorporated.

Chemical. (G) Polyalkyl polyurethane, acrylate capped.

Use/Production. (S) Coating for photographic film. Prod. range: Test Marketing Period—min. 25,000 kg, max. 50,000 kg.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Not a primary irritant, Eye—Not a primary irritant.

Exposure. Manufacture: dermal, a total of 5 workers, up to 8 hrs/da, up to 10 da/yr; Processing: dermal, a maximum of 6 workers, up to 8 hrs/da, up to 5 da/yr; Disposal: dermal, a maximum of 2 workers, up to 2 hrs/da, up to 1 da/yr.

Environmental Release/Disposal. Between 10–1,000 kg/yr released to land. Disposal by deep well injection, incineration, and approved landfill.

TME 83–45

Close of Review Period. May 21, 1983.

Manufacturer. Georgia Pacific Corporation.

Chemical. (G) Liqnosulfonate, reaction product with a phenolic monomer and an oxidant.

Use/Production. Confidential. Prod. range: Max of 60,000 gallons/yr.

Toxicity Data. No data on the TME sustance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

TME 83–46

Close of Review Period. May 21, 1983.

Importer. The Warfield Company, Inc.

Chemical. (G) Polyamine adduct.

Use/Importer. Confidential. Import range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

Dated: April 8, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9930 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[OPOTS-51462; TSH-FRL 2347-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notice are discussed in EPA statements of interim policy published in **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nineteen PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 83-608 and 83-609: July 29, 1983;
PMN 83-610, 83-611 and 83-612 July 2, 1983;
PMN 83-613, 83-614 and 83-615: July 3, 1983;
PMN 83-616 and 83-617: July 4, 1983;
PMN 83-618, 83-619, 83-620, 83-621, 83-622, 83-623, 83-624, 83-625, and 83-626: July 5, 1983.

Written comments by:

PMN 83-608 and 83-609: April 30, 1983;
PMN 83-610, 83-611 and 83-612: June 2, 1983;
PMN 83-613, 83-614 and 83-615: June 3, 1983;
PMN 83-616 and 83-617: June 4, 1983;
PMN 83-618, 83-619, 83-620, 83-621, 83-622, 83-623, 83-624, 83-625 and 83-626: June 5, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51462]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460; (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460; (202-383-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-608

Importer. Confidential.

Chemical. (G) Substituted bis substituted benzeneaminium, dichloride.

Use/Import. (S) Industrial colorant for paper. Import range: Confidential.

Toxicity Data. Acute oral: 3.7 ml/kg; Irritation: Skin—Non-irritant, Eye—Severe; IC_{50} (waste water bacteria)—100 mg/l; Zebra fish—Not toxic @ 5.0 mg/l.

Exposure. Negligible.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-609

Importer. Confidential.

Chemical. (G) Substituted benzenesulfonic acid, sodium salt and substituted benzenesulfonic acid.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

(*Toxicity Data.* Acute oral: > ,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant, IC_{50} (waste water bacteria)—100 mg/l; Golden orfe—Note toxic @ 200 mg/l.

Exposure. Negligible.

Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

PMN 83-610

Manufacturer. Confidential.

Chemical. (G) Disubstituted glycine complex.

Use/Production. (G) Dilute solution used primarily by the submitter and by commercial customers. Prod. range: 600,000-700,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 30 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW and biological treatment system.

PMN 83-611

Manufacturer. Confidential.

Chemical. (G) Disubstituted glycine.

Use/Production. (G) Site-limited or company-limited intermediate. Prod. range: 550,000-650,000 kg/yr.

Toxicity Data. Acute oral: 1,600-2,200 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Ames Test: Negative; Skin sensitization: Low.

Exposure. Manufacture: dermal and inhalation a total of 50 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW, biological treatment system and incineration.

PMN 83-612

Manufacturer. Diamond Shamrock Corporation.

Chemical. (G) Polymer of alkyl and heteromonocyclic amines and an alkanedioic acid.

Use/Production. (S) Epoxy hardener for site limited, industrial, commercial and consumer use. Prod. range: 0-100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 55 workers, up to 24 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 10-100 kg/yr to water and 10-1,000 kg/yr to land. Disposal by POTW and biological treatment system.

PMN 83-613

Importer. Confidential.

Chemical. (S) 1,3 benzenedimethanamine polymer with (chloromethyl) oxirane.

Use/Importer. (G) Raw material for a final product. Import range: Confidential.

Toxicity Data. Acute oral: >646 mg/kg; Irritation: Skin—Corrosive, Ames Test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-614

Manufacturer. Minnesota Mining and Manufacturing Company (3M).

Chemical. (G) Modified fluoroaliphatic adduct.

Use/Production. (S) Industrial carpet fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Minimal, Eye—Extreme.

Exposure. Manufacture and processing: dermal, a total of 4 workers, up to 12 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83-615

Manufacturer. Minnesota Mining and Manufacturing Company (3M).

Chemical. (G) Perfluoroaliphatic isocyanate adduct.

Use/Production. (S) Industrial isolated intermediate for carpet fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Minimal, Eye—Mild.

Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to land. Disposal by incineration.

PMN 83–616

Manufacturer. Carus Chemical Company.

Chemical. (S) Cesium permanganate.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system.

PMN 83–617

Manufacturer. Carus Chemical Company.

Chemical. (S) Cesium aluminum sulfate.

Use/Production. (S) Intermediate for making cesium salts. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system.

PMN 83–618

Importer. Confidential

Chemical. (G) C. I. direct Red 259.

Use/Import. (S) dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}: 130 parts per million (ppm), Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–619

Importer. Confidential.

Chemical. (S) Cuprate (5-), [μ-[2-[[1-[4-[2-[4-[[4-[2-[4-[4-[[2-carboxyphenyl]azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrozol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-5triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-44,5-dihydro-3-methyl-5-oxo-1*H*-pyrozol-4-yl]azo]-5-sulfobenzoato(9-)]]di-, pentasodium.

Use/Import. (S) Dye for cellulose fibre. Import range: Confidential.

Toxicity Data. Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–620

Importer. Confidential.

Chemical. (G) C. I. Direct Red 260.

Use/Import. (S) Dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}: 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–621

Importer. Confidential.

Chemical. (S) Benzoic acid, 2-[[1[4-[2-[4-[[4-[[4-[2-[4-[4-[[2-carboxyphenyl]azo]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-4-yl]azo]-5-sulfo-, pentasodium salt.

Use/Import. (S) Commercial dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}, Orange Medaka — 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–622

Importer. Confidential.

Chemical. (S) 1,3,3-Naphthalenetrisulfonic acid, 7-[[4-[[4-[[4-[[4,8-disulfo-2-naphthalenyl)azo]-3-methylphenyl]amino]-6-[[4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo]-, hexasodium salt.

Use/Import. (S) Commercial dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}, Orange Medaka — > 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–623

Manufacturer. Confidential.

Chemical. (G) [Bis(alkylphenamino)-fluoran] [phenimidazolyl]bis methylene] deriv., phosphate.

Use/Production. (S) Industrial colorant for paper. Prob. range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation Skin—Irritant, Eye—Severe; Ames Test: Negative.

Exposure. Manufacture, processing and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW, biological treatment system and incineration.

PMN 83–624

Manufacturer. Hercules Inc.

Chemical. (G) Styrene-acrylate-methacrylate copolymer.

Use/Production. (G) Open dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–625

Importer. The Warfield Company, Inc.

Chemical. (G) Polyamine adduct.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–626

Manufacturer. Confidential.

Chemical. (G) Substituted melamine formaldehyde compound.

Use/Production. (S) Epoxy powder coatings. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by biological treatment system and approved landfill.

Dated: April 8, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9931 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[A-1-FRL 2347-3]

Delegation of Authority to the State of Connecticut for Certain Portions of the Federal Prevention of Significant Deterioration of Air Quality Program (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: EPA Region I has delegated authority for the implementation and enforcement of certain portions of the Federal Prevention of Significant Deterioration of Air Quality (PSD) program to the Connecticut Department of Environmental Protection (DEP) under 40 CFR 52.21. The effect of this action will be that the State will be reviewing major new sources or modifications to

existing major sources located in attainment areas for compliance with Federal PSD requirements.

EFFECTIVE DATE: September 29, 1982.

ADDRESS: Copies of DEP's request for delegation and the DEP–EPA Agreement for delegation of authority for portions of the PSD program are available for public inspection at the State Air Programs Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5130.

FOR FURTHER INFORMATION CONTACT: Susan S. Hager, State Air Programs Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5130.

SUPPLEMENTARY INFORMATION: On July 14, 1982, the Commissioner of the Connecticut DEP submitted to EPA Region I a request for EPA to delegate to DEP the authority to implement portions of the Federal PSD program. After a thorough review of this request, the Regional Administrator determined that the Connecticut DEP's procedures for carrying out the portions of the PSD program for which it will have responsibility are adequate and effective.

Thus, on September 29, 1982 the Regional Administrator delegated authority for the implementation of portions of the Federal PSD program to the State of Connecticut. In brief, the State of Connecticut will be responsible for receiving and processing all State permit applications for which PSD review is required. DEP will make a determination of the best available control technology to be required by the source (called a "BACT determination"), and prepare a modeling analysis of the source's ambient impacts. The state will either issue a permit which incorporates all conditions necessary to meet P SD requirements, enter into a consent order with the source which includes the necessary conditions, or request EPA to issue the PSD permit. EPA will retain authority for making a determination that a particular applicant is subject to PSD requirements, and for the increment consumption and tracking provisions of the PSD program. The conditions of the delegation are delineated in "Attachment A", "Conditions and Specifications to PSD Delegation to Connecticut", of the Regional Administrator's letter to the State dated September 29, 1982.

Effective immediately, all applications and other information pursuant to 40 CFR 52.21 for sources locating in the State of Connecticut should be sent directly to DEP at the following address: Department of Environmental Protection, Air Compliance Unit, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Dated: April 1, 1983.

Lester A. Sutton, P.E.,

Regional Administrator, Region I.

[FR Doc. 83-10070 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2348-2]

Availability of Environmental Impact Statements Filed April 4 Through April 8, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

Corps of Engineers:
- EIS No. 830184, Final, COE, KY, Northern Kentucky Port Authority Riverport/ Industrial Park, Permit, Due: May 16, 1983
- EIS No. 830186, Final, COE, AA, Grays Harbor/Chehalis and Hoquiam Rivers Channel Improvements, Due: May 16, 1983
- EIS No. 830194, FSuppl, COE, NY, Ellicott Creek Flood Control, Erie County, Due: May 16, 1983
- EIS No. 830197, Final, COE, MS, Yazoo Area Pump Project, Yazoo Backwater Area Flood Control, Due: May 16, 1983
- EIS No. 830199, Final, COE, SEV, NY, NJ, Port of New York and New Jersey Disposal of Dredged Material, Due: May 16, 1983

Department of the Interior:
- EIS No. 830192, Draft, BLM, CA, Alturas Resource Area Resource Mgmt. Plan, Lassen and Modoc Counties, Due: July 15, 1983
- EIS No. 830198, Final, MMS, AK, OCS Arctic Sand and Gravel Lease Sale, Beaufort Sea, Due: May 16, 1983

Department of Transportation:
- EIS No. 830188, Draft, FHW, NY, NY–395 Upgrading, NY–474 to Prendergast Avenue, Chautauqua County, Due: June 3, 1983
- EIS No. 830189, Draft, FHW, WA, Marine Drive Corridor Improvement, I–5 to Rainwater Rd., Snohomish Co., Due: June 1, 1983
- EIS No. 830183, DSuppl, FHW, CA, CA–7/ Long Beach Freeway Construction, I–10 to I–210, Los Angeles Co., Due: July 15, 1983
- EIS No. 830187, Final, FHW, LA, Bossier Red River Parkway Improvement, LA–511 to I–20, Bossier Parish, Due: May 16, 1983
- EIS No. 830190, Final, FHW, OH, US 250 Relocation, City of Cadiz to I–70, Harrison and Belmont Cos., Due: May 16, 1983
- EIS No. 830191, Final, FHW, OK, US 169/ Mingo Valley Expressway Construction, US 169 to US 64, Due: May 16, 1983
- EIS No. 830200, FSuppl, FHW, PA, I–579 and I–279 Construction, Allegheny County, Due: May 16, 1983
- EIS No. 830195, Final, UMT, MD, Washington Metrorail System, W Hyattsville Segment, Prince Grorges Co., Due: May 16, 1983

Environmental Protection Agency:
- EIS No. 830193, Draft, EPA, WA, Seattle Metropolitan Sludge Management Plan, Approval, Due: May 30, 1983
- EIS No. 830196, Draft, EPA, KS, Metropolitan Topeka WWT Facilities, Grant, Shawnee County, Due: May 30, 1983

Department of Housing and Urban Development:
- EIS No. 830185, Final, CBD, NY, Galleries of Syracuse, Syracuse CBD Redevelopment, UDAG, Onondaga Co., Due: May 16, 1983

Department of Agriculture:
- EIS No. 830182, Draft, SCS, GA, Big Cedar Creek Watershed Flood Control Plan, Polk and Floyd Counties, Due: May 30, 1983

Department of Justice:
- EIS No. 830201, Draft, BOP, LA, Oakdale Alien Detention Center, Construction, Allen Parish, Due: May 30, 1983

Amended Notices:
- EIS No. 830138, Draft, AFS, CA, Gasquet Mtn. Mining Project, Approval, Six Rivers NF, Del Norte Co., Published FR 03/18/83—Review extended, Due: May 20, 1983
- EIS No. 830099, Draft, NOA, ATL, Bluefish Fishery Management Plan, Western Atlantic, Published FR 02/25/83—Review extended, Due: June 3, 1983
- EIS No. 830172, Draft, BLM, ID, Eastern Idaho Wilderness Study Areas, Designation, Published FR 04/01/83—Review extended, Due: July 1, 1983

Dated: April 12, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-10131 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2347-8]

PSD Applicability Determination; American Potato Co.

Notice is hereby given that the Environmental Protection Agency has determined that the American Potato Company's proposed boiler at Blackfoot, Idaho, is not subject to PSD review. The August 7, 1980 PSD regulations required that the construction or modification of a major stationary source was subject to PSD review if the resulting increase in potential emissions was greater than the significant levels. Using the August 1980 definition of potential to emit, EPA has reviewed the projected emissions from the subject facility and has concluded that potential emission increases are less than the PSD applicability threshold amounts.

The applicant was notified of this determination on January 21, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11D, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kristine A. Flint (206) 442-7154.

Dated: April 1, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-10008 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

PSD Applicability Determination; Texaco, Inc.

Notice is hereby given that the Environmental Protection Agency has determined that Texaco, Incorporated's proposed delayed coking unit at Anacortes, Washington, is not subject to PSD review. The August 7, 1980 PSD regulations required that the construction or modification of a major stationary source was subject to PSD review if the resulting increase in potential emissions was greater than the significant levels. Using the August 1980 definition of potential to emit, EPA has reviewed the projected emissions from the subject facility and has concluded that potential emission increases are less than the PSD applicability threshold amounts.

The applicant was notified of this determination on December 29, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11D, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kristine A. Flint (206) 442-7154.

Dated: April 1, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-10009 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-326, File No. BP-811001 AG, et al.]

Star Valley Broadcasting Co. et al.; Hearing Designation Order

Adopted: March 30, 1983.
Released: April 7, 1983.

In re applications of Star Valley Broadcasting Co., Afton, Wyoming, Req: 1210 kHz, 250 W, 5 kW-LS, U, MM Docket No. *83-326,* File No. BP-811001AG; Mini-Cassia Broadcasting, Inc., KBAR, Burley, Idaho, Has: 1230 kHz, 250 W, 1 kW-LS, U, Req: 1210 kHz, 500 W, 5 kW-LS, U, MM Docket No. 83-327, File No. BP-811117AK; Western Wyoming Radio, Inc., Afton, Wyoming, Req: 1210 kHz, 250 W, 5 kW-LS, U, MM Docket No. 83-328, File No. BP-811229AG; Beardslee Broadcasting, Inc., Meridian, Idaho, Req: 1210 kHz, 500 W, 5 kW-LS, U, MM Docket No. 83-329, File No. BP-811229AI; for construction permit.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations and for changes in the facilities of one (1) AM station.

2. *Local Public Notice:* Applicants for new broadcast stations and for major changes in the facilities of existing stations are required to give local notice of the filing of their applications in accordance with Section 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Mini-Cassia Broadcasting, Inc., Beardslee Broadcasting, Inc., and Western Wyoming radio have complied with the Rule; therefore, if they have not already done so, they must comply with § 73.3580 and file the required certification with the administrative Law Judge within 30 days of the release of this Order.

3. Section 73.24(g) of the Commission's Rules requires that the population within an applicant's proposed 1 V/m contour not exceed one percent (1%) of the population within the proposed 25 mV/m contour except in cases where the population within the 1 V/m contour is 300 or less. No information was submitted to show whether Beardslee's proposal comports with the Rule. Beardslee must file sufficient information to demonstrate its proposal complies with the Rule within 30 days of the release of this Order.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[1] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although most of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service for each proposal, and the availability of other primary aural services to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

6. It is further ordered, That Mini-Cassia Broadcasting, Inc., Beardslee

[1] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Broadcasting, Inc., and Western Wyoming Radio shall, within thirty (30) days of the release of this Order, certify to the Administrative Law Judge as to compliance with the local notice requirements of § 73.3580 of the Commission's Rules.

7. It is further ordered, That Beardslee Broadcasting, Inc., shall file, within thirty (30) days of the release of this Order, sufficient information to demonstrate its proposal complies with § 73.24(g) of the Commission's Rules.

8. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the rules, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, That the following issue is specified: To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Western Wyoming Radio.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 83-10048 Filed 4-14-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Preliminary Plan.

Title: Disaster Assistance Registration Form.

Abstract: Form is proposed to be tested, and if successful, will replace four forms currently in use with substantial decrease in burden hours. Information gathered is required to provide disaster assistance to respondents.

Type of Respondents: Individuals.

Number of Respondents: 2000.

Burden Hours: 1500.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street, SW, Washington, DC 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Room 3225 New Executive Office Building, Washington, DC 20503.

Dated: April 11, 1983.

Walter A. Girstantas,

Director, Office of Administrative Support.

[FR Doc. 83-10041 Filed 4-14-83; 8:45 am]

BILLING CODE 7618-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the Advisory Committee on Preservation will meet on May 11, 1983 from 10:00 a.m. to 4:00 p.m., and May 12, 1983 from 9:00 a.m. to 4:00 p.m. in the McGraw-Hill Conference Room, 1221 Avenue of the Americas, New York, NY. This meeting will be devoted to preservation proposal review procedures as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: April 7 1983.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 83-10003 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. May 19 and 20, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, May 19, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, May 20, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m; open committee discussion, 3 p.m. to 5 p.m.; George C. Murray, National Center for Devices and Radiological Health (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committeee. Those desiring to make formal presentations should notify the executive secretary before May 5, and submit a brief statement of the general

nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On May 19 the committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for intraocular lenses (IOL's) and specific PMA's for IOL's. The committee will also discuss general issues relating to iris fixation IOL's. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On May 20 the committee may discuss PMA's or general issues relating to contact lenses or other ophthalmic products, including final review of the contact lens and contact lens care product guidelines.

Closed committee deliberations. On May 19 and 20 the committee will conduct reviews of PMA's for IOL applications. On May 20 the committee may also discuss trade secret or confidential commercial information relevant to PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and items reserved for the separate portions of each committeee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: April 6, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-9652 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, May 5–6, 1983, Building 31C, Conference Room 10, Bethesda, Maryland 20205. This meeting will be open to the public on May 5, from 9 a.m to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 5, from 9:30 a.m. to recess; and on May 6, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committeee Management Officer, National Cancer Institute, Buiding 31,

Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10052 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, June 6–7, 1983, National Institutes of Health, Building 31, C Wing, Conference Room 10, Bethesda, Maryland 20205. The meeting will be open to the public from 11:00 a.m. to recess on June 6, and from 9:00 a.m. to adjournment on June 7, for a discussion and update of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 6, from 9:00 a.m. to approximately 11:00 a.m., for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Cause and Prevention. These discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, DCCP, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10067 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), May 5, 6, and 7, 1983. National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 p.m. to 9:30 p.m. on May 5, from 9:00 a.m. to 12:05 p.m. and from 2:00 p.m. to 4:15 p.m. on May 6, from 9:00 a.m. to 11:30 a.m. on May 7. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 7:30 p.m. to 8:00 p.m. and 9:30 p.m. to 10:00 p.m. on May 5, from 12:05 p.m. to 2:00 p.m. and 4:15 p.m. to adjournment on May 6, and from 11:30 a.m. to adjournment on May 7, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. Elizabeth Neufeld, Acting Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20205, (301) 496–4128.

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83–10056 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 16–17, 1983, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 16 from 9:00 a.m. until 5:00 p.m. The agenda includes a report by the NICHD Director, Council subcommittee reports, and a panel presentation on Contraceptive Development and Evaluation. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 17 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs Majorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10053 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental

Health Sciences Council, May 23–24, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 23, from 9 a.m. to approximately 12 noon, for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 23, from approximately 1:00 p.m. to adjournment on May 24, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona Herrell, Committee Management Officer, NIEHS, Bldg. 31, Rm. 2B55, NIH, Bethesda, Md. 20205, (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-10056 Filed 4-14-83; 8:45 am]

BILLING CODE 4140-01-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on May 19 and 20, 1983, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on May 19, 1983, from 8:30 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 19 from approximately 1:00 p.m. to 5:00 p.m., and on May 20, 1983, from 8:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Diffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496–7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschestein, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, Room 926, Bethesda, Maryland 20205, Telephone: 301, 496–7891 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–821, Physiology and Biomedical Engineering; 13–859, Pharmacology-Toxicology Research; 13–862, Genetics Research; 13–863, Cellular and Molecular Basis of Disease Research; and 13–880, Minority Access to Research Careers [MARC])

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-10054 Filed 4-14-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, May 15–18, 1983, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. Portions of the Board meeting and its Subcommittees will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *National Cancer Advisory Board.*

Dates of Meeting: May 16–18, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.

Open: May 16, 8:30 a.m.—adjournment, May 18, 8:30 a.m.—adjournment.

Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Respiratory Cancer; Tumor Cell Invasiveness; the Studies of Human T-Cell Lymphoma; and reports on the NCAB Subcommittees.

Closed session: May 17, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Name of Committee: *Subcommittee on Organ Systems Program.*

Date of Meeting: May 15, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 8 National Institutes of Health.

Open: May 15, 6:00 p.m.—adjournment.

Agenda: A discussion of the implementation of the Organ Systems Program.

Name of Committee: *ad hoc Subcommittee on Construction.*

Date of Meeting: May 16, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.

Closed: May 16, 4:30 p.m.—adjournment.

Closure reason: Review of construction grant applications.

Name of Committee: *Subcommittee on Planning and Budget.*

Date of Meeting: May 16, 1983.
Place of Meeting: Building 31, A Wing, Room 11A10 National Institutes of Health.
Open: May 16, 7:30 p.m.—adjournment
Agenda: A disussion of the status of the FY 1984 budget, update on Congressional appropriation hearing, and status of the FY 1985 by-pass budget.

Name of Committee: *Subcommittee on Special Actions for Grants.*
Date of Meeting: May 17, 1983.
Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.
Closed: May 17, 8:30 a.m.—adjournment.
Closure reason: Review of grant applications.

Name of Committee: *Subcommittee for the Review of Contracts and Budget of the Office of the Director.*
Date of Meeting: May 18, 1983.
Place of Meeting: Building 31, C Wing, Conference Room 7 National Institutes of Health.
Open: May 18, 1:00 p.m.—adjournment.
Agenda: Concept review of Office of the Director contracts for approval/disapproval and to review the Office of the Director budget.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS:
13.392, project grants in cancer construction.
13.393, project grants in cancer cause and prevention.
13.394, project grants in cancer detection and diagnosis.
13.395, project grants in cancer treatment.
13.396, project grants in cancer biology.
13.397, project grants in cancer centers support.
13.398, project grants in cancer research manpower.
13.399, project grants and contracts in cancer control.)

[FR Doc. 83-10051 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Heart, Lung, and Blood Advisory Council and Its Manpower Subcommittee and Research Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 19-20, 1983, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland, 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be May 18, 1983 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on May 19 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public from approximately 3: 00 p.m. on May 19 to adjournment on May 20 for the review, discussion and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on May 18 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A-17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83-10055 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of the Board of Scientific Counselors

Pursuant to the Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 5 and 6, 1983, Conference Room 1B07, Building 36, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5:00 p.m. on May 5 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. until the conclusion of the meeting on May 6 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Rm. 1004, 7550 Wisconsin Avenue, Bethesda, MD 20205, telephone 301/496-9231, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is Dr. Richard L. Irwin, Acting Director of the Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, MD 20205, telephone 301/496-4297.

(Catalog of Federal Domestic Assistance Program No. 13,356, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83-10039 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of the Neurological Disorders Program Project Review A Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, May 25, 26, and 27,

1983 at Wellington Hotel, 2505 Wisconsin Avenue, Washington, D.C. 20007.

The meeting will be open to the public from 8:00 p.m. until 9:00 p.m. on May 25, 1983 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on May 26 to adjournment on May 27, 1983 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda MD 20205 (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496–9223) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Dated: April 6, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10061 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meetings of the Board of Regents, the Extramural Programs Subcommittee, the Lister Hill Center Subcommittee, and the Subcommittee on Pricing of NLM Services

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 26–27, 1983, in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland. In connection with this meeting, the three subcommittees of the Board will meet on the preceding day, May 25, in the Lister Hill Center Building, as follows:

—Subcommittee on Pricing of NLM Services: 1:00–2:30 p.m., 7th-floor Conference Room
—Extramural Programs Subcommittee: 2:00–4:00 p.m., 5th-floor Conference Room
—Lister Hill Center Subcommittee: 2:30–5:00 p.m., 7th-floor Conference Room

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on May 26 and from approximately 10:00 a.m. to adjournment on May 27 for administrative reports and program discussions. The entire meeting of the Lister Hill Center Subcommittee will be open to the public for discussions of program directions of the Lister Hill National Center for Biomedical Communications, and the entire meeting of the Subcommittee on Pricing will be open for a review of NLM pricing policies. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on May 25 will be closed to the public, and the regular Board meeting on May 27 will be closed from 9:00 to 10:00 a.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: April 6, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83–10060 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 8.

Health Care Financing Administration

Subject: Supplementary Information for the Determination of the Target Amount Under the Medicare Prospective Payment System (HCFA 1008)—New
Respondends: Hospitals participating in Medicare and subject to prospective payment
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Referral for WIN Registration (IM–3) (0980–0111)—Extension/No Change
Respondents: Local WIN projects
Subject: WIN 117–A, 117–B, SAV–4 and IM–9—New
Respondents: State and project WIN income maintenance agencies, SAU agencies
OMB Desk Officer: Milo Sunderhauf

Social Security Administration

Subject: Reporting Requirements for Targeted Assistance Grants for Services for Refugees in Local Areas of High Need—New
Respondents: State agencies responsible for the Refugee Resettlement Program
Subject: Social Security Administration Certificate of Support (SSA–760–F4 (5–83))—Revision
Respondents: Individuals or households
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer).

Dated: April 11, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–10060 Filed 4–14–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Cheyenne-Arapaho Tribes; Plan for the Use and Distribution of the Cheyenne-Arapaho Tribes of Oklahoma Judgment Funds in Dockets 342-70 and 343-70 Before the United States Court of Claims

April 6, 1983.

This notice is published in excerise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on December 4, 1981, in satisfaction of the award granted to the Cheyenne-Arapaho Tirbes of Oklahoma in United States Court of Claims Dockets 342-70 and 343-70. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 18, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on September 8, 1982, and by the Senate on September 9, 1982. The plan became effective on February 17, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on December 4, 1981, in satisfaction of an award granted by the United States Court of Claims in Dockets 342-70 and 343-70 to the Cheyenne-Arapaho Tribes of Oklahoma, including all interest and investment income accrued, less attorney fees and expenses, shall be distributed as herein provided.

The funds shall be utilized by the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma to fund, subject to the approval of the Secretary, a burial program for the benefit of tribal members.

None of the funds held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

Kenneth Smith,
Assistant Secretary—Indian Affairs.

[FR Doc. 83-10043 Filed 4-14-83; 8:45 am]
BILLING CODE 4310-02-M

Pueblo of Isleta, New Mexico; Proclaiming Certain Lands as Part of the Indian Reservation; Correction

April 7, 1983.

The land description appearing in FR Doc. 82-9419, at page 15162 in the issue for Thursday, April 8, 1982, is hereby corrected by deleting "Sec. 18" and inserting in lieu thereof "Secs. 7 and 18" on the third line of the first paragraph.

John W. Fritz,
Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-10042 Filed 4-14-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[Exchange CA-13880]

Realty Action Public Lands in Mendocino County, California

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 94-579, the Federal Land Policy and Managementd Act of 1976, Sec. 206 (90 Stat. 2756).

Mount Diablo Meridian

T. 14 N., R. 16 W.,
  Sec. 31, NW¼SE¼.
T. 16 N., R. 14 W.,
  Sec. 4, lot 5, S½NW¼, SE¼SW¼, SW¼SE¼;
  Sec. 9, NW¼NE¼;
  Sec. 28, SE¼NW¼, SW¼NE¼.
T. 17 N., R. 14 W.,
  Sec. 10, lots 7 and 8;
  Sec. 11, lot 7.
T. 20 N., R. 16 W.,
  Sec. 7, lot 4.
T. 20 N., R. 17 W.,
  Sec. 1, lots 5 and 6.
T. 21 N., R. 14 W.,
  Sec. Sec. 6, lots 2, 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, SW¼SE¼.
T. 21 N., R. 15 W.,
  Sec. 1, E½ of lot 2.
T. 21 N., R. 16 W.,
  Sec. 11, lot 3.
T. 22 N., R. 14 W.,
  Sec. 5, lot 14;
  Sec. 9, SW¼SW¼;
  Sec. 21, NE¼SE¼;
  Sec. 28, E½NE¼, NE¼SE¼;
  Sec. 32, lots 3 and 4.
T. 23 N., R. 14 W.,
  Sec. 30, lot 3, N½ lot 5 and N½ lot 6.
T. 23 N., R. 15 W.,
  Sec. 21, SE¼SW¼;
  Sec. 28, W½NE¼;
  Sec. 32, lots 3, 4, 5 and 6, SE¼NE¼.
T. 23., R. 16 W.,
  Sec. 3, lot 4, SW¼NW¼;
  Sec. 4, lot 1, SE¼SE¼;
  Sec. 9, NE¼NE¼SE¼;
T. 23 N., R. 17 W.,
  Sec. 12, NE¼NW¼.
T. 24 N., R. 16 W.,
  Sec. 15, S½SW¼;
  Sec. 21, lots 1 and 2, SE¼NE¼, NE¼SE¼, SW¼SE¼;
  Sec. 22, lots 1, 2 and 4.
T. 24 N., R. 18 W.,
  Sec. 2, SW¼SW¼.
T. 24 N., R. 15 W.,
  Sec. 9, SE¼NE¼;
  Sec. 10, W½NW¼, NW¼SW¼.
  Containing 2,614.17 acres.

Harwood Investment Company, P.O. Box 609, Willits, California 95490, has applied to acquire the above described lands in exchange for the following described privately owned lands.

Mount Diablo Meridian

Tract One

Parcel One

T. 23 N., R. 16 W.,
  Sec. 29, SE¼NW¼.

Parcel Two

T. 23 N., R. 16 W.,
  Sec. 19, lot 13.

Excepting therefrom that portion conveyed in the deed executed by Harwood Investment Co. to C. J. Fairhurst, Jr., dated June 7, 1976, recorded June 10, 1976 in Volume 1043 of Official Records, page 412, Mendocino County Records.

Parcel Three

T. 23 N., R. 16 W.,
  Sec. 32, lots 6 and 7, NE¼SW¼, NW¼SE¼;

Parcel Four

T. 23 N., R. 16 W.,
  Sec. 19, lots 9 and 14, S½NE¼, SE¼;
  Sec. 20, W½SW¼.

Excepting therefrom the following:

1st: A strip of land of the uniform width of 200 feet lying along the West side of and being the Westerly 200 feet of Lot 9 of Section 19, Township 23 North, Range 16 West, Mount Diablo Meridian.

2nd: That portion of the Southwest quarter of Southwest quarter of Section 20, Township 23 North, Range 16 West, Mount Diablo Meridian, conveyed by Evelyn R. Schell to A. A. Wilson, by deed dated November 12, 1926, recorded in Volume 16 of Official Records, page 17, Mendocino County Records.

3rd: The right of way of the State Highway of the State of California.

4th: That portion conveyed by deed executed by Stanley J. Fairhurst et ux to State of California, dated August 24, 1967, recorded April 11, 1969 in Volume 789 of Official Records, page 124, and by Quit Claim deed executed by C. J. Fairhurst, Jr. et ux to State of California, dated August 28, 1967, recorded April 11, 1969 in Volume 789 of Official Records, page 127, Mendocino County Records.

5th: That portion conveyed by deed executed by C. J. Fairhurst, Jr. et ux to State of California, dated June 26, 1970, recorded August 20, 1970 in Volume 824 of Official Records, page 689, and by Quit Claim deed executed by California

Eastern Company, a limited partnership to State of California, dated June 26, 1970, recorded August 20, 1970 in Volume 824 of Official Records, page 692, Mendocino County Records.

6th: That portion conveyed in the deed executed by Harwood Investment Co. to C. J. Fairhurst, Jr., dated June 7, 1976, recorded June 10, 1976 in Volume 1043 of Official Records, page 412, Mendocino County Records.

Parcel Five

T. 22 N., R. 16 W.,
 Sec. 5, lot 3, S½NW¼, NE¼SW¼;
 Sec. 8, N½NE¼, E½W½, S½SE¼;
 Sec. 9, lot 4.
T. 23 N., R. 16 W.,
 Sec. 20, lot 7;
 Sec. 29, lots 1, 2, 3, and 4, W½E½, E½SW¼, NW¼SW¼, W½NW¼: That portion of the NE¼NW¼ that lies East of the East line of the Eel River, excepting therefrom the East half of the NW¼NW¼;
 Sec. 30, lots 1, 2, 4, 5, 6, 7, 8, 9, 10 and 12, W½E½, E½NE¼, NE¼SE¼;
 Sec. 31, lots 1, 3 and 4, NW¼NE¼.

Parcel Six

Starting from the Southeast corner of the Southwest quarter of Southwest quarter of Section 20, Township 23 North, Range 16 West, Mount Diablo Meridian, according to the official plat of the survey of said land on file in the Bureau of Land Management; and running thence North on the line between the Southwest quarter of Southwest quarter and the Southeast quarter of the Southwest quarter of said Section 20, a distance of 244.69 feet to the point of beginning; thence North 56°13′ West 300 feet; thence North 0°25′ West 100 feet; thence South 56°13′ East 300 feet to the line between said subdivisions; thence South on said last mentioned line 100 feet, more or less, to the point of beginning.

Parcel Seven

T. 22 N., R. 16 W.,
 Sec. 5, lots 1 and 2, SW¼NE¼, NW¼SE¼.

Parcel Eight

T. 23 N., R. 16 W.,
 Sec. 28, SW¼SW¼;
 Sec. 33, NW¼NW¼.

Parcel Nine

T. 23 N., R. 16 W.,
 Sec. 32, lots 1, 2 and 3, E½NW¼, SW¼NW¼, NW¼SW¼.

Parcel Ten

An Easement as reserved in the Gift Deed executed by Harwood Investment Co., the general partnership whose statement of partnership was recorded August 29, 1972 in Book 898, Official Records, page 190, Mendocino County Records to Roman Catholic Bishop of Santa Rosa, a corporation sole, dated June 7, 1976, recorded June 10, 1976 in Book 1043, Official Records, page 409, described as follows:

"Reserving unto the grantor, however, non-exclusive easements for the purpose of travel and transportation of all sorts consisting of a 70 foot wide right of way along the route of an existing road, the portions of which are within the West half of the Northeast quarter of the Northwest quarter and the East half of the Northwest quarter of the Northwest quarter, Section 29, Township 23 North, Range 16 West, Mount Diablo Meridian, Mendocino County, California, 35 feet on either side of the following described centerline:

Beginning at a point of the centerline of the South Fork of the Eel River, said point being South 08° 21′ 12″ West, 3097.90 feet from the point of the centerline of State Highway 101 defined as mile Station 85.9 and B.C. 437 + 19.03, also defined by the California State Grid Coordinates of North 791,933.50 feet and East 1,536,293.06 feet, Zone 2, from said point of beginning South 07°12′ West, 25.00 feet; South 46°04′ East, 462.39 feet; South 70°24′ West, 89.78 feet; North 63°41′ West, 313.29 feet; North 50°41′ West, 255.19 feet; North 66°46′ West, 186.07 feet; North 45°38′ West, 134.33 feet; North 59°04′ West, 222.16 feet; South 78°24′ West, 149.78 feet; South 44°19′ East, 341.36 feet; South 49°23′ East 229.39 feet; South 27°04′ East, 149.54 feet; South 00°31′ East, 156.34 feet; South 54°36′ East, 220.35 feet, South 50°40′ East, 392.46 feet; South 31°14′ East, 270.95 feet; South 09°08′ West, 400.0 feet, more or less, to the South boundary of the West half of the Northeast quarter of the Northwest quarter, Section 29. (Bearings are in terms of the California State Grid, Zone 2).

Also the right to make minor adjustments in roadway alignment due to damage by natural causes or for the practical location within the approximate present location. The above conditions shall exist even though the adjustments or improvements will affect areas outside the above described right of way. It is understood that the intent is to maintain the road in its present location."

Parcel Eleven

An Easement as reserved in the deed executed by Harwood Investment Co., a general partnership to C.J. Fairhurst Jr., a single man dated June 7, 1976, recorded June 10, 1976 in Book 1043, Official Records, page 412, mendocino County Records, described as follows:

"A non-exclusive easement for the purposes of travel and transportation of all sorts consisting of a 70 foot wide right of way along the route of an existing road in Sections 19 and 20, Township 23 North, Range 16 West, Mount Diablo Base and Meridian, Mendocino County, California, 35 feet on either side of the following described centerline:

Beginning at a point on the Southerly boundary of the traveled portion of State Route 271, also called former Highway 101, said point being South 30°55′19″ West 786.59 feet from a point on the centerline of State Highway 101 defined as mile station 85.9 and B.C. 437 + 19.03, also defined by the California State Grid Coordinates of North 791,933.50 feet and East 1,536,293.06 feet, Zone 2, from said point of beginning South 50°38′ West 346.08 feet; South 87°50′ West 456.95 feet; North 87°24′ West 361.87 feet; North 61°52′ West 122.09 feet; South 59°56′ West 158.34 feet; South 33°37′ East 114.90 feet; South 50°20′ East 338.27 feet; South 40°45′ East 313.04 feet; South 68°42′ East 123.49 feet; South 46°46′ East 142.31 feet; South 88°10′ East 341.66 feet; South 35°56′ East 152.27 feet; South 35°44′ West 303.96 feet; South 07°53′ West 254.64 feet; South 15°00′ East 194.00 feet; South 40°15′29″ West 112.05 feet; South 45°08′ East 414.88 feet; South 38°39′ East 248.49 feet; South 07°12′ West 130.0 feet, more or less, to the centerline of the South Fork of the Eel River. Bearings are in terms of the California State Grid, Zone 2.

Also the right to make minor adjustments in roadway alignment due to damage by natural causes or for the practical location within the approximate present location. The above conditions shall exist even though the adjustments or improvements will affect areas outside the above described right of way. It is understood that the intent is to maintain the road in its present location.

Tract Two

T. 23 N., R. 16 W.,
 Sec. 20, lot 6, E½SW¼, NW¼SE¼.

Tract Three

T. 21, N., R. 15 W.,
 Sec. 6, W½SE¼, SE¼SE¼;
 Sec. 7, NE¼NE¼.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface, unless previously reserved.

The publication of this notice in the **Federal Register** shall segregate the

applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

The value of the lands to be exchanged is approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of the exchange is to acquire non-Federal lands to consolidate public land ownership for more effective management in the Red Mountain and Scattered Blocks Planning Units. The exchange is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

For a period of 45 days from the first publication of this notice interested parties may submit comments to the California State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification, this realty action will become the final determination of the Bureau.

Van W. Manning,

District Manager.

April 5, 1983.

[FR Doc. 83-10031 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[I-18580]

Issuance of Land Exchange Conveyance Document; Exchange of Public and Private Lands; Fremont County, Idaho

April 6, 1983.

The United States has issued an exchange conveyance document to the Richard A. Egbert Limited Partnership, Tetonia, Idaho 83452, for the following—described lands under Section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 8 N., R. 37 E.

Sec. 25, SW¼SW¼;
Sec. 26, NE¼NE¼, SE¼.

Comprising 240.00 acres of public land.

In exchange for these lands, the United States acquired the following—described lands:

Boise Meridian, Idaho

T. 10 N., R. 41 E.

Sec. 8, SE¼SE¼;
Sec. 17, NE¼NE¼, S½NE¼.

Comprising 160.00 acres of private land.

The purpose of this exchange was to acquire the non-Federal land which will provide critical wildlife habitat for a rapidly growing elk herd which uses the land for spring and fall forage areas. The public interest was well served through completion of the exchange.

Louis B. Bellesi,

Deptuy State Director for Operations.

[FR Doc. 83-10029 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[I-19390]

Idaho; Offer of Lands

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

Boise Meridian, Idaho

T. 4 S., R. 33 E.,

Sec. 1, lot 10, 7.76 acres;
Sec. 11, lot 2, 12.86 acres;
Sec. 12, lot 8, 12.65 acres;
Lot 9, 24.75 acres;
Lot 10, 10.20 acres;
Lot 11, 39.95 acres;
Lot 14 (portion), 16.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
NE¼SW¼ (portion), 24.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Sec. 14, lot 9, 19.75 acres;
Lot 10 (portion), 18.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Lot 11 (2 portions), 18.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Lot 12 (portions), (cultivated portion on high ground atop lava ridge);
Sec. 27, lot 10 (portion), 15.00 acres (approx.) (portion lying west of slought).

These areas aggregate 240.92 acres, more or less.

2. The plat of survey was filed in the public land records in Boise, Idaho at 10 a.m. on August 3, 1981.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, before June 30, 1983, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnerships, firms, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bituminous rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, together with the right to prospect for, mine, and remove the same.

(c) A reservation to the United States of a 100-foot strip of land along and parallel to the banks of the Snake River for use of the public for access and recreation.

(d) All valid existing rights for ditches, canals, and powerlines.

The following lands, presently encumbered by placer mining claims, may be offered for sale at a later date should the mining claims be relinquished or invalidated:

Boise Meridian, Idaho

T. 4 S., R. 33 E.,

Sec. 22, lot 6 (portion), lot 7 (portion), lot 9 (portion);
Sec. 27, lot 9 (portions).

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-10073 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 24850 (Wash.)]

Realty Action—Sale of Public Land in Yakima County, Washington

This Notice amends the original Notice of Realty Action published January 6, 1983 (48 FR 743), and the Notice published March 3, 1983 (48 FR 9075).

The sale will be held on May 4, 1983, in Room 232 at the Yakima County Courthouse, North 1st and B Streets, Yakima, Washington. Registration of

bidders will begin at 9:00 a.m. and the sale will start at 10:00 a.m.

Sealed bids will be accepted until 4:00 p.m. on April 29, 1983, at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202. Sealed bid envelopes must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No. ——, Serial No. OR 24850. Sale held on May 4, 1983."

If any of the parcels are not sold on May 4, 1983, they will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Information about the sale is available at the BLM, Spokane District Office, at the above address.

Date of Issuance: April 5, 1983.

Roger W. Burwell

District Manager.

[FR Doc. 83-10044 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32295, Survey Group 120]

Minnesota; Notice of Filing of Plat of Survey

1. On November 20, 1980, the plat representing the survey of two islands in Lake Johanna and one island in Kittleson Lake, which were omitted from the original survey in T. 123 N., R. 36 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 123 N., R. 36 W.,
Tract Nos. 37, 38, and 39.

2. The elevations of the islands described above rise from 2 to 11 feet above the ordinary high water marks of the lakes in which they are located. Forest vegetation consists of ash, elm, basswood, birch, poplars, and willow. Large trees were found on the islands which have been determined to be over 80 years old by ring count. The undergrowth consists of currant, willow brush, grasses, choke cherry, and briars.

3. The geologic composition and elevation of the islands being similar to the geologic composition and elevation of the surveyed lands along the shores of Lake Johanna and Kittleson Lake, attests to the fact that these islands existed on February 28, 1858, the date of the original survey and on May 11, 1858, when Minnesota entered the Union.

4. The areas described above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operation, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10005 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32054, Survey Group 146]

Minnesota; Filing of Plat of Survey

1. On October 5, 1982, the plat representing the survey of one island in T. 115 N., R. 29 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 115 N., R. 29 W.,
Tract No. 37.

2. Tract No. 37 rises about 20 feet above the ordinary high water mark of Lake Addie, and is composed of glacial till and granite boulders. Its character is similar in all respects to that of the adjacent surveyed lands. Timber on this Tract consists of oak, elm, ash, willow, cottonwood, and maple. The ground cover consists mainly of willow. An oak tree measuring 20 inches in diameter was found to be approximately 100 years old. Tree stumps were found on this Tract.

3. The elevation of Tract No. 37, similarity of timber succession on the island and mainland, age of timber present, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

4. The area described above is more than 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is therefore held to be public land.

5. All inquiries relating to this land should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10006 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 24622A, Survey Group 114]

Minnesota; Notice of Filing of Plat of Survey

1. On December 5, 1979, the plat representing the dependent resurvey of the boundaries of Secs. 23 and 24, designed to restore the corners in their true original locations, and the reestablishment of a portion of the record meander lines of Secs. 23 and 24, to include lands erroneously omitted from the original survey in T. 62 N., R. 11 W., Fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The areas listed below describe the lands omitted form the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 11 W.,
Sec. 23, Lots 11 and 12; and
Sec. 24, Lots 10, 11 and 12.

2. Distinct vegetative types are related to topographic position. Most of the upland area is forested with red and sugar maple, paper and yellow birch, ash, white spruce, black and white pine, balsam fir, aspen basswood and scattered Eastern hemlock. In the understory, mountain maple, raspberry briars, native grasses and sedges are found. Black spruce and tamarack become common in pure stands as the sites become boggier. Black ash are found scattered in these swamp areas; marsh grasses, alder, sedges and sphagnum moss are found in the understory. Unforested lowland bogs support dense alder growth and mounds of marsh grasses, sedges and moss. Numerous decayed stumps are mute evidence that the omitted uplands were once covered with a fine stand of old growth of Eastern white pine. The two remaining old growth Eastern white pine, located in the omitted upland area of Section 24, give a ring count as follows: a white pine measuring 52 inches in diameter was aged at approximately 97 years old. A white pine 36 inches in diameter was aged at 147 years old.

3. Lot 11 Sec. 23 and Lots 10, 11 and 12 Sec. 24, were found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands

Act of September 28, 1850 (9 Stat. 519). These lands will only be open for selection by the State under the Act.

Lot 12 Sec. 23 was determined to be over 50 percent upland within the purview of the Act referenced above. Therefore, this lot is held to be public land.

4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10007 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32053, Survey Group 133]

Minnesota; Notice of Filing of Plat of Survey

1. On October 6, 1982, the plat representing the survey of seven islands in T. 118 N., R. 30 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The islands listed below describe the lands omitted from the original survey

Fifth Principal Meridian, Minnesota

T. 118 N., R. 30 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, and 43.

2. Tract No. 37 rises about 10 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and granite boulders measuring up to 3 feet in diameter. Timber consists of oak, elm, ash, and basswood.

The island dTract No. 38 rises about 8 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till with scattered granite boulders. Timber consists of oak, elm, ash, basswood, and willow. The ground cover consists of dense growth dogwood, box elder, and sumac. Tree stumps were found on the island ranging up to 24 inches in diameter. An oak tree measuring 20 inches in diameter was determined to be 80 years of age by ring count.

Tract No. 39 rises about 18 feet in elevation above the ordinary high water mark of Cedar Lake, and is composed of glacial till with scattered granite boulders. This island has been cleared of all timber and replanted with pine and spruce trees. Tree stumps were found on the island.

The island Tract No. 40 rises about 6 feet above the ordinary high water mark of Cedar Lake and is composed of glacial till. The timber on the island consists of basswood, ash, elm, box elder, and oak. The ground cover consists of dense growth willow, sumac, and snowberry. A basswood tree measuring 24 inches in diameter was estimated at approximately 70 years old. Tree stumps were found on the island. Dead Snags up to 36 inches in diameter are present and were approximately 105 years of age at time of death.

Tract No. 41 rises about 8 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and outcrops of granite. Timber consists of ash, box elder, and hackberry. The ground cover consists of willow and sumac. Tree stumps were found on this tract.

The island Tract No. 42 rises about 20 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and outcrops of granite. Timber consists of elm, oak, cottonwood, ash, basswood, willow, aspen, hackberry, and cedar. The ground cover on the west side of the island consists of snowberry and sumac, while the east side of the island is fairly open. An elm tree measuring 24 inches in diameter was estimated at approximately 80 years of age. Tree stumps were found on the island ranging up to 30 inches in diameter.

Tract No. 43 rises about 20 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and large granite boulders ranging up to 6 feet in diameter. Timber consists of oak, elm, basswood, ash, hackberry, willow, and cedar. An oak tree measuring 20 inches in diameter was found to be approximately 80 years old. Tree stumps were found on the island measuring up to 25 inches in diameter.

3. The elevations of the islands, presence of old stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that these tracts existed as islands in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

4. The areas described above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1950 (9 stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandia, Virginia 22304, on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10008 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

Montana; Environmental Impact Statement; Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft resource management plan/ environmental impact statement and public hearings.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Billings Resource Area. The Billings Resource Area, Lewistown District, contains approximately 425,000 acres of public land located in South Central Montana, including Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweetgrass, Wheatland and Yellowstone Counties. The Draft RMP/ EIS examines four management plan alternatives: (1) Continuation of existing management (no action); (2) Low level or resource production; (3) High level or environmental protection; and (4) Preferred management.

Public Participation: Copies of the Draft RMP/EIS are available from the Billings Resource Area Office, 810 E. Main, Billings, Montana 59105, phone (406) 657-6262. Public reading copies will be available for review at the following locations:

Office of Public Affairs, Location Building, 18th and C Streets NW., Washington, D.C. 20240;

BLM Montana State Office, Public Affairs Office, 222 N. 32nd Street, Billings, Montana 59107.

Written comments on the Draft RMP/ EIS should be submitted between April 15 and July 15 (90-day comment period) to: Project Manager, Bureau of Land Management, 810 E. Main, Billings, Montana 59105. Oral or written comments will be received at formal public hearings to be held Tuesday, May 31 from 7 p.m. to 10 p.m. at the National Park Service Visitor Center, Lovell, Wyoming and June 1 from 7 p.m. to 10 p.m. at the Ramada Inn, Mullowney Land and I-90, Billings, Montana. Oral

or written comments concerning the adequacy of the Draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the Billings Resource Area.

FOR FURTHER INFORMATION CONTACT: Project Manager, (406) 657–6262.

Michael J. Penfold,

State Director.

[FR Doc. 83–9827 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral pre-lease and exploration proposals on the Alaska OCS.

SUMMARY: the Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs) prepared by the MMS for the following oil and gas pre-lease and exploration activities proposed on the Alaska OCS. This listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/Operator

Exploration Drilling Program for Lower Cook Inlet; Chevron U.S Inc., as operator for itself.

Location

The proposed wells will be located within the boundaries of OCS Lease Y–0243, situated about 25 miles due west of Anchor Point. After drilling of the first well, the decision to drill subsequent wells will depend upon the results and interpretation of well data obtained in the preceding wells. The location of each well is described as follows:

Lease and well No.	Location	Latitude/longitude
OCS Y–0243 No.1	7025' FNL 5225' FEL	59°46'45" N. 152°36'00" W.
OCS Y–0243 No.2	3100' FLS 5000' FEL	59°45'50" N. 152°35'57" W.
OCS Y–0243 No. 3	17009' FNL 6400' FEL	59°47'37" N. 152°36'23" W.

Environmental Assessment

No. AK–83–01

FONSI Date

March 18, 1983.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Alaska OCS.

The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposal constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

The FONSI and associated EA for the activity listed above are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday (excluding lunch hour, 11:30 a.m. to 12:30 p.m.) at: Minerals Management Service, Alaska OCS Region, Office of the Regional Supervisor, Offshore Field Operations, 800 A Street, Suite 205, Anchorage, Alaska 99501, Phone: (907) 271–4303.

Persons interested in reviewing specific environmental documents or obtaining information about EAs and FONSIs prepared for activities on the Alaska OCS are encouraged to contact the above listed MMS office.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Alan D. Powers,

Regional Manager, Alaska OSC Region, Minerals Management Service.

[FR Doc. 83–10030 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–MR–M

Advisory Committee on Minerals Accountability; Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expended policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to hold a panel discussion on the results to date of the eight joint cooperative Federal/State audit efforts of royalty payments to the States.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be acommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, April 27, 1983, 9:00 a.m.

ADDRESS: Sheraton Inn-Tulsa, 2201 North 77th East Avenue, Tulsa, Oklahoma.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, N.W., Room 4216, Washington, D.C. 20240, telephone: (202) 343–3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

The Committee will have one or more Executive Sessions at this meeting.

Dated: April 12, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

[FR Doc. 83–10047 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–MR–M

Establishment of Procedures for a Voluntary Winnings Limit for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period.

SUMMARY: On March 16, 1983 (48 FR 11176), the Minerals Management Service (MMS) published in the **Federal Register** a Request for Comments. In that Request the MMS stated that the Department of the Interior was studying the possible use of procedures for receiving sealed bids in Outer Continental Shelf (OCS) oil and gas lease sales that would allow each bidder to establish a dollar limit on the

total of the high bids it wishes to have considered for acceptance. The objective of such a procedure would be to reduce unnecessary restraint in bidding by reducing the risk that bidders may overspend or underspend their budgets. That solicitation was intended to obtain comments and recommendations on whether there is a need for procedures to voluntarily limit winnings, and, if so, what procedures should be employed. The comment period was scheduled to expire on April 15, 1983. The comment period is extended to close of business, May 16, 1983.

DATE: Comments should be received by May 16, 1983.

ADDRESS: Director, Minerals Management Service, U.S. Department of Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vavrina, Minerals Management Service, MS 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860-7567.

Dated: April 11, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-0963 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Park System Advisory Board; History Areas Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the Natioinal Park System Advisory Board will be held on Sunday, May 1, 1983, commencing at 8 p.m. in the Cotton Exchange Room, Holiday Inn Mills House Hotel, Meeting and Queen Streets, Charleston, South Carolina.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. At this meeting the History Areas Committee of the National Park System Advisory Board will meet to consider potential National Historic Landmarks as follows:

1. Cape Canaveral Air Force Station, Cape Canaveral, Florida.
2. Joseph Reynolds House, Bristol, Rhode Island.
3. John Neville House (Woodville), vic., Heidelburg, Pennsylvania.
4. David Bradford House, Washington, Pennsylvania.
5. David Espy House, Bedford, Pennsylvania.
6. H. L. Mencken House, Baltimore, Maryland.

The Committee will also consider a report on the proposed land protection plan for the Palo Alto Battlefield National Historic Site, Texas; and hear a report on the status and direction of the National Historic Landmarks Program and History program of the National Park Service.

The formal recommendations of the committee will be made to the National Park System Advisory Board at its meeting on May 2 and 3 at the Holiday Inn Mills House Hotel, Charleston, South Carolina. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of the Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Mr. Benjamin Levy, History Division, National Park Service, Washington, D.C. at (202) 343-8164. Summary minutes of the meeting will be available for public inspection 4 to 6 weeks after the meeting in room 4209, 1100 L Street NW, Washington, D.C.

Dated: April 11, 1983.

Jean C. Henderer,

Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 83-10076 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-70-M

Urban Park and Recreation Recovery Program

AGENCY: National Park Service, Interior.

ACTION: Notice of UPARR Grant Round FY 1983—Rehabilitation Grants.

SUMMARY: This notice explains the intent of the Urban Park and Recreation Recovery Program (UPARR) and Public Law 98-8, emergency jobs legislation, regarding the availability of grant funds and types of grant proposals to be submitted by eligible jurisdictions for the UPARR FY 1983 grant round.

FOR FURTHER INFORMATION CONTACT: Mr. Sam L. Hall, Recreation Grants Division, National Park Service, Department of the Interior, Washington, D.C. 20240, (202) 343-3700.

SUPPLEMENTARY INFORMATION: The next UPARR grant round is tentatively scheduled for announcement in June. Forty (40) million dollars is available for Rehabilitation grants in this FY 83 competitive grant round. These grants will be utilizing funds appropriated under Public Law 98-8, Title I, to meet urgent national needs and result in productive jobs. The tentative target date for the submission of preapplications to NPS Regional offices is May 16, 1983.

Eligible Jurisdictions: Only those jurisdictions eligible for UPARR grants which have an approved Recovery Action Program (RAP) on file with an NPS Regional Office, will be eligible to compete for Rehabilitation grants under this grant round. All projects will be in accord with priorities outlined in the approved RAPs.

Special Provisions of Public Law 98-8: Any UPARR eligible jurisdiction (as defined under "Eligible Jurisdictions" above) may apply for a Rehabilitation grant under this supplemental appropriation. Final selection of grants will, however, take into account the provisions of Section 101(a) of Public Law 98-8 which require that "75 per centum of the funds appropriated * * * shall be made available for projects and activities in civil jurisdictions with high unemployment * * *." For purposes of this legislation, a list of civil jurisdictions meeting the unemployment, labor surplus, pocket of poverty, or other targeting provisions of the Act will be published and maintained by the Department of Labor, and will be used in the competitive selection of UPARR Rehabilitation grants. Criteria outlined in P.L. 98-8, Title I, Section 101(a) will be used by the Department of Labor to determine that list of civil jurisdictions.

Grant Implementation and Timing: To assure rapid implementation of work to be accomplished under these grants, grantees are advised that funds appropriated under Public Law 98-8 "shall be available only for grants for which: (1) Obligations are entered into before October 1, 1983, (2) work will be in progress before January 1, 1984, and (3) all Federal funds will be outlayed before September 30, 1984." Failure to meet these time frames will be grounds for withdrawal of grant offers or termination of grants. Grantees are also required to comply with all applicable federal laws and regulations for the UPARR program, which includes completion of a final grant agreement within 120 days of the grant offer.

To increase the benefits of the funds available under this appropriation, it is the intent of the legislation to maximize the impact of grants on the grantee's

high rate of unemployment, and to assure rapid implementation of work to be accomplished under the grants. To facilitate rapid implementation and completion of grants, the Service may determine, in accord with UPARR regulation 36 CFR Part 72, §§ 72.44(a) and 72.53(d)(6) [as incorporated with 45 CFR 58339, September 3, 1980] that an emergency exists, and thereby allow particular UPARR applicant jurisdictions "to begin the project and incur costs following the tentative grant offer. Such incurred costs will only be reimbursed if the grant is approved by NPS." This means that grant applicants may be allowed to begin certain work on a selected proposal on a reimbursable basis at the time of the grant offer public announcement date. However, actual fund reimbursement will be contingent upon satisfactory completion of the final grant.

Preapplication Requirements: Chief Executives applying for UPARR grants will be required to certify, in the preapplication, that the grantee has matching funds available, and will comply with the time frame legislative requirements for fund outlay and work in progress on the grant. This preapplication requirement may necessitate emergency meetings of grantee funding bodies (city councils/county boards) to assure that matching funds are available at the time of grant certification. Matching fund levels, activities eligible for Rehabilitation grants, and other standard requirements and provisions of the UPARR regulations (45 FR 71714), as amended) will remain unchanged from earlier grant rounds.

These requirements must be met to assure rapid implementation of work under the grants, which will maximize the impact of the appropriating legislation to meet urgent national needs and result in productive jobs. It is the intent of Congress that Public Law 98-8 be promptly carried out, and that the severity of the economic situation demands immediate action. Interested applicants should consult their National Park Service Regional offices for further information and grant round schedule dates.

Regional Director, NPS, Western Regional Office, Box 36063, San Francisco, CA 94102, Tel: 415-556-0812; AZ, CA, HI, NV, American Samoa

Regional Director, NPS, Mid-Atlantic Reg. Ofc., 143 South Third Street, Philadelphia, PA 19106, Tel: 215-597-7995; CT, DC, DE, MD, ME, MA, NH, NJ, NY, PA, RI, VA, VT, WV

Regional Director, NPS, Midwest Regional Office, 1709 Jackson Street, Omaha, NE 68102, Tel: 402-221-3481; IL, IN, MI, MN, OH, WI

Regional Director, NPS, Southeast Regional Ofc., 75 Spring Street, SW, Atlanta, GA 30303, Tel: 404-221-2606; AL, FL, GA, KY, MS, NC, PR, SC, TN, GU, VI

Regional Director, NPS, Southwest Regional Ofc., P.O. Box 728, Santa Fe, NM 87501, Tel: 505-988-6815; AR, LA, NM, OK, TX

Regional Director, NPS, Rocky Mountain Reg. Ofc., P.O. Box 25287, Denver, CO 80225, Tel: 303-234-6560; CO, IA, KS, MO, MT, NE, ND, SD, UT, WY

Regional Director, NPS, Pacific Northwest Reg. Ofc., Western Building—Rm. 1920, 2001 6th Ave, Seattle, WA 98121, Tel: 206-442-4707; ID, OR, WA

(Catalog of Federal Domestic Assistance 15.919)

(Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2501-2514)

Dated: April 8, 1983.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 83-10129 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-70-M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held on May 2, 3 and 4, 1983, in Charleston, South Carolina.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the Administration of the Historic Sites Act of 1935.

Commencing at 9 a.m. on May 2 and 3 at the Holiday Inn Mills House Hotel, Meeting and Queen Streets, Charleston, the Advisory Board will be meeting in general business sessions to consider administrative matters pertaining to the Board; receive and discuss several task force reports; consider and make recommendations on proposed national historic landmark designations; and review and discuss policy and management issues affecting the National Park System. On May 4, from 9 a.m. to 11:30 a.m., the Board will visit Fort Moultrie and the park headquarters.

The meetings on May 2 and 3 will be open to the public. However, space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements may contact Shirley Luikens, Advisory Boards and Commissions, National Park Service, Washington, D.C. 20240 (202-343-2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3328, Interior Building, Washington, D.C.

Dated: April 11, 1983.

Jean C. Henderer,

Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 83-10075 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Decision on the Status of Kuwait Under the Mineral Leasing Act of 1920

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Decision on the Status of Kuwait under the Mineral Leasing Act of 1920.

SUMMARY: In a notice published in the Federal Register of July 8, 1982 (47 FR 29720), the Department of the Interior requested that the public, by August 9, 1982, submit written comments with information that would be used in determining whether Kuwait had been denying privileges to citizens or corporations of this country, within the meaning of section 1 of the Mineral Leasing Act of 1920 (30 U.S.C. 181). The comment period was later extended to October 8, 1982 (47 FR 35559; August 16, 1982). On March 10, 1983, the Secretary of the Interior announced his decision—that the laws, customs and regulations of Kuwait deny similar or like privileges to citizens and corporations of the United States. Therefore, citizens of Kuwait generally may not, through stock ownership, stock holding or stock control, own interests in petroleum leases or permits issued under the provisions of that Act.

EFFECTIVE DATE: The decision concerning the status of Kuwait was issued on March 10, 1983.

ADDRESS: Any inquiries or comments should be addressed to Director (130), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20204.

FOR FURTHER INFORMATION CONTACT: Mark A. Alexander (202) 343-2091, or Harmon Kallman (202) 343-3171.

SUPPLEMENTARY INFORMATION: A copy of decision concerning Kuwait may be

obtained by writing the Director (130), Bureau of Land Management at the adress listed above. The Secretary stated that he would reassess his decision on Kuwait if and when that country takes positive steps to correct its discriminatory practices and can demonstrate that the problem no longer exists. Meanwhile, the decision means that citizens and corporations of Kuwait generally may not own interests in any onshore Federal oil and gas lease, combined hydrocarbon lease, gilsonite lease or permit, or oil or gas pipeline right-of-way permit, issued under the Mineral Leasing Act of 1920. As a result of this determination, Kuwait now is placed on the "non-reciprocal" list specified in the Department's Secretarial Decision Paper of May 7, 1982.

Dated: April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10082 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 328]

Investigation of Tank Car Allowance System

Second Supplemental Notice to the Parties

By an Order served March 1, 1983, the parties hereto were required to designate representatives for membership on the joint negotiating committee (the JNC) to be formed in this proceeding for the purpose of conducting negotiations in amendment or revision of the private tank car mileage allowance agreement adopted by the Commission on June 15, 1979, for tank car compensation. Various parties, in compliance with that Order, have designated representatives on the JNC and have so notified the Administrative Law Judge. The Appendix to this Notice shows the names of the individuals designated.

Several parties have also notified the Judge, in compliance with that Order, that all parties present at a meeting held on March 18, 1983, have agreed to designate three individuals as co-chairmen of the JNC, namely:

Mr. Edward D. Olmo, Manager, Land Transportation, Shell Oil Company, 2 Shell Plaza, P.O. Box 2099, Houston, TX 77001;

Mr. James Goff, President, General American Transportation Corporation, 120 S. Riverside Drive, Chicago, IL 60606; and

Mr. Walter P. Barrett, Vice President, Traffic, Union Pacific Railroad, Omaha, NE 68179.

The parties are advised, accordingly, that the JNC is deemed to be constituted as above described, subject to such additions and changes as may be required from time to time.

In the latter regard at least one party hereto, The Fertilizer Institute (TFI), and likely others as well, have not designated representatives to the JNC. Counsel for TFI has notified the Judge that TFI is precluded from designating representatives to the JNC and from participating in compensation negotiations for the reason that, in the opinion of counsel, TFI has not been granted the necessary immunity from the antitrust laws. The Judge regards it as highly desirable that TFI and other interested parties shall participate in the negotiating process, and that their full participation should commence promptly at such a time as they are advised by counsel that such participation is lawful. As noted in the prior Order, there are pending before the Commission certain requests for clarification in the matter of antitrust immunity in connection with this proceeding. The Commission's decision in that matter is expected to issue shortly.

By the Commission, Paul J. Clerman, Administrative Law Judge, on March 30, 1983.

Agatha L. Mergenovich,

Secretary.

APPENDIX

Member JNC	Party represented
W. P. Barrett	AAR (Union Pacific)
R. N. Bona (alternate)	API
Sydney H. Bonser	UTC
Donald Braff (alternate)	WWY
T. W. Branson (alternate)	IS&EO
John Coppage	CMA
D. Joseph Corr	ACF
G. A. Craig	AAR (MoPac)
Dave Cyrus (alternate)	IS&EO
J. S. Dewey (alternate)	API
Stephen G. Dinsmore (alternate)	UTC
J. L. Farrell	CRA
H. C. Forrester	AAR (Chessie)
Bernard C. Fuller	WWY
Jospeh C. Gasz	CMA
R. M. Gleason	AAR (BN)
James M. Goff	GAT
Robert A. Greenbury	NAC
John Groth	IS&EO
J. A. Hagen	AAR(Conrail)
A. M. Handwerker	AAR (C&NW)
E. G. Kreyling, Jr.	AAR (NSC)
H. J. Norman Lalonde	CMA
John H. Moseman (alternate)	WFIX
P. H. Murphy	CRA
Walter E. O'Leary (alternate)	ACF
E. D. Olmo	API
James H. Ozanne (alternate)	NAC
Michael E. Petruccelli (alternate)	CMA
Frank E. Polom (alternate)	GAT
John J. Robinson	AAR
Harry Shrank	CMA
Burke A. Tracey	WFIX
R. R. Tully	CMA
David C. Warrington	API
O. M. Watson	CMA

APPENDIX—Continued

Member JNC	Party represented
James Whitt	IS&EO
F. J. Wright	AAR (AT&SF)
K. R. Wyma	AAR (SoPac)

ARR Association of American Railroads.
ACF ACF Industries, Inc.—Railway Progress Institute.
API American Petroleum Institute.
CMA Chemical Manufacturers Association.
CRA Corn Refiners Association.
GAT General American Transportation Corp.—Railway Progress Institute.
IS&EO Institute of Shortening and Edible Oils, Inc.
NAC North American Car Corporation—Railway Progress Institute.
UTC Union Tank Car Company—Railway Progress Institute.
WFIX WFIX Partners.
WWY Westway Trading Corporation.

[FR Doc. 83-10014 Filed 4-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 28]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-381, filed March 22, 1983. Applicant: DELMOT MOTOR EXPRESS, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between the Counties of Chemung, Steuben, Tioga, Broome, Monroe, Chenango, Cortland, Tompkins, Schuyler and Livingston on the one hand, and, on the other, all points in the state. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural

information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-21, filed March 29, 1983. Applicant: REDDICK AUTO EXPRESS, INC., Post Office Box 47, North Syracuse, NY 13201. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery St., Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, as defined in section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in Madison, Oneida, Onodago and Oswego Counties, NY, on the one hand, and on the other, all points in the State of New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10171, filed March 22, 1983. Applicant: OMINI MOVING & STORAGE, INC., 402 So. First Street, Lindenhurst, NY 11757. Representative: John L. Alfano, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Household goods:* Between New York City, Nassau and Suffolk Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Intersate Commerce Commission.

[FR Doc. 83-10021 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01

[OP1-135]

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the commission's policy of simplifying grants of operating authority.

We Find

With the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the poposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with conditions set forth in the grant or grants or authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

MC-F-15200, filed March 15, 1983. HERTZ PENSKE TRUCK LEASING, INC. (600 Parsippany Road, Parsippany, NJ 07054), Control, GOLDSTON TRANSFER, INC. and ELECTRIC TRANSPORT, INC. (both of Highway No. 135, Eden, NC 27288). Representative: Robert L. Kendall, Jr., 1719 Parkard Building, Philadelphia, PA 19102. Hertz Penske, a non-carrier, seeks authority to acquire control of Goldston and Electric through the purchase by Hertz of all of the issued and outstanding capital stock of Goldston and Electric. The Hertz Corporation, the sole common stockholder of Hertz Penske and, in turn, RCA Corporation, which owns all of the outstanding stock of the Hertz Corporation, seek authority to acquire control of Goldston and Electric through the transaction. Goldston holds Certificates No. MC-146659 and subnumbers thereunder, authorizing the transportation of general commodities (with exceptions) and specified commodities such as textile products, malt beverages, rubber and plastic products, pulp, paper, and related products, and shipping devices, between points in Nevada, California, and the East, Midwest, and South. Electric holds Permits and Certificates in No. MC-143061 and subnumbers thereunder, authorizing the transportation of: (1) General Commodities (with exceptions) and specified commodities, including, but not limited to, commodities as are dealt in by a manufacturer of electrical products and automotive products, food and related products, pulp, paper, and

related products, and textile mill products, between points in the United States under contracts with various named shippers; and (2) general commodities (with exceptions) and specified commodities, including, but not limited to, such commodities as are dealt in or used by manufacturers of electronic equipment, air conditioning equipment, furnaces and parts, rubber and plastic products, pulp, paper and related products, containers, and textile mill products, between various points throughout the United States. Hertz Penske holds no authority from the Commission. Condition: The Hertz Corporation is a wholly-owned subsidiary of RCA Corporation. Therefore, RCA Corporation will, through the transaction, acquire control of Goldston and Electric, and is, thus, a necessary party to the transaction. Thus, as a condition to our approval, RCA Corporation must join in the application in the same manner as did The Hertz Corporation. Such joinder may be accomplished by properly executed affidavit or letter from the appropriate RCA official.

Note.—An application for temporary authority has been filed.

[FR Doc. 83-10015 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[OP-5FC-175]

Motor Carriers; Finance Application; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; and interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 47 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

IT IS ORDERED:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary

Please direct status inquiries to Team 5, (202) 275-7289.

MC-FC-81346. By decision of April 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to TRANSCORD LEASING INC., of Louisville, KY, of Permit No. MC-153509 Sub 2 issued August 4, 1981 and Certificate No. MC-153509 Sub 4 issued October 2, 1981 to KENTUCKY DISPATCH, INC., of Louisville, KY authorizing the transportation of (1) *general commodities* (except classes A and B explosives), between points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *food and related products,* between points in the U.S. under continuing contract(s) with (a) Ralston Purina Company of St. Louis, MO, (b) Bremmer Biscuit Co., a division of Ralston Purina Co. of Louisville, KY, and (3) Foodmaker, Inc., a subsidiary of Ralston Purina Company, of San Diego, CA. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 E. Jefferson St., Louisville, KY 40202.

[FR Doc. 83-10016 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b). (1) Parent corporation and address of principal office: Moxley Industries, Inc., 3800 Stone Road, P.O. Box 1640, Kilgore, Texas 75662. (2) Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: (i) Mobley Company, Inc. (Texas), Hwy. 42 N., P.O. Box 1640, Kilgore, Texas 75662; (ii) ACD Mobley Company, Inc. (Texas), Hwy. 42 N., P.O. Box 1640, Kilgore, Texas 75662; (iii) Tiger Corporation dba Southwest Disposal (Texas), Hwy. 42 N., P.O. Box 1139, Kilgore, Texas 75662; and (iv) Gibraltar Wastewaters, Inc. (Texas), Hwy. 155 N., P.O. Box 248, Winona, Texas 75792. (1) Parent corporation and address of principal office: Smithfield Foods, Inc., 1777 North Kent St., Suite 811, Arlington, VA 22209. (2) Wholly-owned subsidiaries which will participate in the operations, and States of incorporation: (i) The Smithfield Packing Company, Inc., a corporation existing under the laws of the Commonwealth of Virginia, P.O. Box 447, Smithfield, VA 23430; (ii) Gwaltney of Smithfield, Ltd., a corporation existing under the laws of the State of Delaware, P.O. Box 489, Smithfield, VA 23430. (1) Parent corporation and address of principal office: Square D Company, Executive Plaza, Palatine, Illinois 60067. (2) Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices: (a) Ferro Fabricating Co., Inc., 3333 27th Avenue, No., Birmingham, Alabama 35207; (b) Yates Industries, Inc., U.S. Highway 130, Bordentown, New Jersey 08505; (c) Engineered Systems, Inc., 2001 W. Campus Drive, Tempe, Arizona 85282; (d) General Semiconductor Industries, Inc., 2001 W. 10th Place, Tempe, Arizona 85281; (e) Ircon, Inc., 7555 N. Linder Avenue, Skokie, Illinois 60077; (f) United States Robots, Inc., 650 Park Avenue, King of Prussia, Pennsylvania 19406; (g) Yin Incorporated, 1998 Republic Avenue, San Leandro, California 94538; (h) Topaz, Inc., 3855 Ruffin Road, San Diego, California 92123.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10023 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-176]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 7, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980,

at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restricition removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal satutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 128819 (Sub-3) X, filed March 25, 1983. Applicant: R. J. HALPIN, INC., Birchwood Lane, Lenox, MA 01240. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108; (617) 742-3530. Lead and Sub 2F certificates: (1) Broaden (a) limestone to "clay, concrete, glass or stone products, and ores and minerals" and (b) petroleum products to "petroleum, natural gas and their products"; (2) expand to county-wide authority: Berkshire County, MA (Lee and West Stockbridge, MA), and Albany, Rensselaer, Schenectady, and Saratoga Counties, NY (Albany and Rensselaer, NY); (3) Authorize radial authority in lieu of one-way authority; and (4) remove "in bulk" and "in tank vehicles" restrictions where they appear.

[FR Doc. 83-10019 Filed 4-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-168.

Decided: April 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 16613, filed March 21, 1983. Applicant: THE CAMELOT COURIER, LTD., P.O. Box 1128, Hudson, NY 12534. Representative: Harold L. Rechson, 33-28 Halsey Rd., Fair Lawn, NJ 07410; (201) 791-2270. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166702, filed March 10, 1983. Applicant: THE MAGSAMEN BUS COMPANY, 10130 Bird River Rd., Baltimore, MD 21220. Representative: George Magsamen (same address as applicant) (301) 687-6090. Transporting *passengers*, in charter and special operations, beginning and ending at Baltimore City, MD, and Philadelphia, PA, and points in Baltimore, Harford, Anne Arundel, Howard, and Carroll Counties, MD, and DC, and extending to points in MD, VA, WV, PA, NY, NJ, DE, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166933, filed March 22, 1983. Applicant: ROBERT W. OTTE and MARK A. GAMRADT, d.b.a. SILVER TIP EXPRESS, P.O. Box 3868, Brackett Creek Rd., Bozeman, MT 59715. Representative: Mable L. Page, P.O. Box 3855, 218 Jefferson Trail, Bozeman, MT 59715; (406) 587–9562. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–174.

Decided: April 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 156208 (Sub-1), filed March 30, 1983. Applicant: RESORT BUS LINE, INC., 1223 N.E. First St., Bend, OR 97701. Representative: Lawrence v. Smart, Jr., 419 N.W. 32rd Ave., Portland, OR 97201; 503–226–3755. Transporting *passengers* in charter and special operations. between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165359, filed March 30, 1983. Applicant: STRAIGHT FROM THE HORSE'S MOUTH, d.b.a. THE FUN RUN CLUB, P.O. Box 18831, 2725 S. Norman St., Seattle, WA 98144. Representative: Paul Layton, 301 Metropole Bldg., 423 2nd Ave., Seattle, WA 98104; 206–623–0967. Transporting *passengers*, in charter and special operations, beginning and ending at points in WA and extending to points in NV, OR, and CA.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166898, filed March 21, 1983. Applicant: DAVID KLOPFENSTEIN, d.b.a. D & L SERVICES, 3349 E. Mescal, Phoenix, AZ 85028. Representative: David Klopfenstein (same address as applicant) (602) 996–7866. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167098, filed March 31, 1983. Applicant: FIDELE TREMBLAY, INC., 29 St. Alphonse St., Luceville, Quebec, Canada GOK IEO. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108; (617) 742–3530. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lulumco, Inc., of Luceville, Quebec, Canada.

MC 167128, filed March 30, 1983. Applicant: CHARLES T. CLARK, P.O. Box 131, Reeds Spring, MO 65737. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601; (913) 234–0565. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167159, filed March 30, 1983. Applicant: TEXAS BEST BROKERS, INC., 2100 North General Bruce Drive, Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309; (515) 245–4300. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167179(A), filed April 1, 1983. Applicant: COAST TO COAST TRANSPORTATION, INC., 4948 South 2nd Street, Milwaukee, WI 53207. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203; (414) 273–7410. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC 167179 (B) published this same issue.

MC 167189, filed April 1, 1983. Applicant: LUND TRUCK PARTS, P.O. Box 386, Tea, SD 57064. Representative: Douglas Lund (same address as applicant) (605) 743–5611. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10024 Filed 4-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier that the transportation to be provided under the certificate is or will

be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume OP2-167

Decided: April 7, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (member Fortier not participating.)

MC 143503 (Sub-40), filed March 21, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 210 West Park Ave., Suite 1120, Oklahoma City, OK 73102; (405) 232-9990. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Incorporated, of New York, NY.

MC 146632 (Sub-5), filed March 10, 1983. Applicant: BETS TRUCK LEASING, INC., P.O. Box 64, Keene, NH 03431. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146853 (Sub-20), filed March 21, 1983. Applicant: HAWKEYE WOODSHAVINGS, INC., Route 1, Runnels, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244-2329. Transporting *plastic and paper products*, between points in Polk County, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, OR, UT, WA, and WY.

MC 151383 (Sub-12), filed March 22, 1983. Applicant: NICKELL TRUCKING CO., 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Van Pelt Corporation, Russell Steel Division, of Tulsa, OK.

MC 156782 (Sub-2), filed March 24, 1983. Applicant: JACKWIC, INC., 1206 Sunset Dr., Thomasville, GA 31792. Representative: John P. Tucker, Jr., Suite 222, Lenox Towers So., 3390 Peachtree Rd., NE., Atlanta, GA 30326; 404-231-3583. Transporting *construction materials*, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 156863 (Sub-1), filed March 25, 1983. Applicant: ROSE CARTAGE SERVICE, INC., 1711 Paxton Ave., Lansing, IL 60438. Representative: Edward G. Finnegan, 134 N. LaSalle St., Suite 1016; Chicago, IL 60602; 312-782-9500. Transporting *building and construction materials, equipment, and supplies, and metal products*, between points in IL, IN, MI, OH, IA, and WI.

MC 157183 (Sub-2), filed March 29, 1983. Applicant: SERVICE LINES, INC., P.O. Box 571, Palmetto, GA 30268. Representative: Howard W. Teal (same address as applicant); 404-463-4531. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), betwen points in the U.S., under continuing contract(s) with (a) Redland Prismo Corporation, of East Point, GA, (b) United Freight, Inc., of Morrow, GA, (c) M & W Distribution Services, Inc., of Atlanta, GA, and (d) Pave-Mark Corporation, of Smyrna, GA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 16193, filed March 18, 1983. Applicant: JO-LIN HAULING & INDUSTRIAL SERVICES, INC., 1601 W. Edgar Rd., Linden, NJ 07036. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201) 572-5551. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, OH, PA, and RI.

MC 162253 (Sub-1), filed March 15, 1983. Applicant: SUPREME CARRIERS, INC., P.O. Box 916, So. Sioux City, NE 68776. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397-9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164623, filed March 18, 1983. Applicant: EMMERT INDUSTRIAL CORPORATION, 11811 S.E. Highway 212, Clackamas, OR 97015. Representative: Terry W. Emmert (same address as applicant); (503) 655-7191. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S. (except AK and HI).

MC 166123, filed March 21, 1983. Applicant: W.J. PRINCE d.b.a. TEXAS EXPRESS, 7179 Industrial, P.O. Box 26186, El Paso, TX 79926. Representative: W. J. Prince (same address as applicant); (915) 598-5992. Transporting *general comodities* (except classes A and B explosives, household goods, and commodities in bulk),

between points in El Paso County, Tx, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM.

MC 166143, filed April 5, 1983. Applicant: ROCAR EQUIPMENT COMPANY, P.O. Box 272, Lansing, IL 60438. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603; 312–236–9375. Transporting *chemicals and related products and petroleum and coal products*, between points in the U.S. (except Ak and HI), under continuing contract(s) with Lake River Corporation, of Countryside, IL.

MC 166803, filed March 14, 1983. Applicant: RICKEY LUCAS, d.b.a. LUCAS TRANSFER CO., P.O. Box 41355, Jacksonville, FL 32209. Representative: Joseph Michael Roberts, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in FL and GA.

MC 166823, filed March 15, 1983. Applicant: ALL TRANSPORTATION, INC., 4839 Robinson Rd., Sylvania, OH 43560. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215; (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166862, filed March 18, 1983. Applicant: UNIVERSAL MOTOR EXPRESS, INC., Route 1, Gailey Rd., Lavonia, GA 30553. Representative: Jimmy R. Foster (same address as applicant); (404) 356–4559. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166863, filed March 17, 1983. Applicant: MEGA TRUCKING CO., 3333 South Iron St., Chicago, IL 60608. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) International Nu-Way Shippers, Inc., and (2) Burlwood Industries, Inc., both of Chicago, IL.

MC 166922, filed March 21, 1983. Applicant: TUSCO, INC., 400 Continental Dr., Hobbs, NM 88240. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768; (512) 476–6391. Transporting *Mercer commodities*, between points in AZ, CO, MN, OK, and TX.

MC 166962, filed March 22, 1983. Applicant: G.O.D., INC., Foot of Pennsylvania Ave., South Kearny, NJ 07032. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC. Condition: Issuance of this authority is subject to approval of the petition in MC–F–15213.

Note.—A petition for exemption pursuant to 49 U.S.C. 11343(e) has been filed, docketed MC–F–15213.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume, No. OP3–150

Decided: April 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 15735 (Sub-76), filed March 24, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill (same address as applicant); (312) 681–8378. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Honeywell, Inc., and its subsidiaries, of Minneapolis, MN.

MC 45194 (Sub-28), filed March 23, 1983. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler Church Ave., SW., P.O. Box 6270, Canton, OH 44706. Representative: M. Diane Neal (same address as applicant); (216) 456–4571. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with Industrial Product Group, Combustion Engineering, Inc., of Valley Forge, PA.

MC 45764 (Sub-41), filed March 24, 1983. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P. O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, Suite 202, 3408 Wisconsin Ave., N.W., Washington, DC 20016; (202) 363–1848. Transporting *building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Roofers Supply Corp., of East Rutherford, NJ, and Multi-Carrier Service, Inc., of Hackensack, NJ.

MC 56344 (Sub-9), filed March 21, 1983. Applicant: ALERT MOTOR FREIGHT, INC., P. O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201) 572–5551. Transporting *metal products*, between points in the U.S. (except AK and HI).

MC 111274 (Sub-93), filed March 23, 1983. Applicant: SCHMIDGALL TRANSFER INC., P. O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant); (309) 266–9773. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sheffield Steel Co., of Sand Springs, OK.

MC 113855 (Sub-545), filed March 23, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S. E., Rochester, MN 55903. Representative: Leonard L. Bennett (same address as applicant); (507) 288–3331. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with FMC Corporation, of Chicago, IL.

MC 124905 (Sub-12), filed March 24, 1983. Applicant: GARY W. GRAY TRUCKING, INC., P.O. Box 48, Delaware, NJ 07833. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (714) 344–8030. Transporting *cement*, between points in York, Lehigh and Northampton Counties, PA, on the one hand, and, on the other, NY, NJ and CT.

MC 139905 (Sub-9), filed March 21, 1983. Applicant: R.B. & N.M. STUCKY, D.B.A. S & S DAIRIES, Route 2, Moundridge, KS 67107. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612; (913) 233–9629. Transporting *food and related products*, (1) between points in AR, CO, IA, KS, MN, MO, NE, OK, and TX, and (2) between Keokuk, IA, on the one hand, and, on the other, points in LA, WI, IL, MI, IN, OH, NY, MA, KY, TN, AL, GA, SC and FL.

MC 142725 (Sub-3), filed March 23, 1983. Applicant: NEVADA WESTERN CONCRETE, INC., 2600 Akron Way, Carson City, NV 89701. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701; (702) 882–5649. Transporting *Commodities in bulk*, between points in NV, CA and OR.

MC 151004 (Sub-6), filed March 24, 1983. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06601. Representative: John F. Ryan (same address as applicant); (203) 579–8006. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S. (except AK and HI).

MC 155435 (Sub-4), filed March 23, 1983. Applicant: STILES TRUCK LINE, INC., 1901 Jasmine, Pasadena, TX 77503. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068; (713) 472–0861. Transporting (1) *machinery*, and (2) *those commodities* which because of their size and weight, require the use of special handling or equipment, between points in the U.S. (except AK and HI), on the one hand, and, on the other, points in TX.

MC 163605 (Sub-1), filed March 24, 1983. Applicant: COURY CARTAGE, INC., 2275 Wycliff, St. Paul, MN 55114. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927–8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Twin City Piggyback, Inc., of St. Paul, MN.

MC 164635, filed March 23, 1983. Applicant: TOTER LEASING, INC., R.R. #82, Omaha, NE 68138. Representative: Richard W. Reineke (same address as applicant); (402) 253–2989. Transporting *mobile homes, modular homes, and portable buildings*, between points in NE, IA, MN, SD, WY, CO, KW, and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166765, filed March 25, 1983. Applicant: TWIN CITY PICK UP AND DELIVERY SERVICE, INC., 2301 Bolton St., Little Rock, AR 72202. Representative: Ron Glass (same address as applicant); (501) 375–2083. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166954, filed March 22, 1983. Applicant: ATLAS DISTRIBUTING, INC., 143 Frontage Rd., Manchester, NH 03103. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; (703) 522–0900. Transporting *tobacco* and *tobacco products*, between points in Hillsborough, Merrimack, and Rockingham Counties, NH, on the one hand, and, on the other, points in MA and ME.

MC 166984, filed March 23, 1983. Applicant: WAL–ZON TRANSFER, INC., P.O. Box 99, Newport, MN 55055. Representative: John B. Van De North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101; (612) 291–1215. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Northstar Steel Company, of Bloomington, MN.

MC 166994, filed March 22, 1983. Applicant: TUSCOLA AND SAGINAW BAY RAILWAY COMPANY, INC., 538 E. Huron Ave., Vassar, MI 48768. Representative: Wesley W. Hoffman, 530 W. Ionia, Suite C, Lansing, MI 48933; (517) 371–5597. Transporting *hazardous chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with T & T Chemical Inc. of Michigan, of Saginaw, MI. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous commodities it shall expire 5 years from the date of issuance.

MC 167005, filed March 24, 1983. Applicant: BRIER HILL SCRAP INC., P.O. Box 268, 200 Division Street, Youngstown, OH 44501. Representative: Anthony J. Giordano, Jr., (same address as applicant), (216) 792–0600. Transporting *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Luria Brothers & Company, Inc., of Cleveland, OH.

MC 167015, filed March 24, 1983. Applicant: AMERICAN COMMODITY CORPORATION, 1061 S. Ordell, P.O. Box 699, Marshall, MO 65340. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, MO 65105; (816) 221–1464. Transporting (1) *fertilizer*, (2) *feed and feed ingredients*, and (3) *grain products*, between points in AR, MO, KS, CO, IA, IL, IN, MN, TN, WI, MI, NE, WY, NM, KY, OH, OK, TX, AL, LA, and MS, and (4) *clay products*, between points in Thomas County, GA and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, and WI.

MC 167044, filed March 24, 1983. Applicant: EMERALD CITY TRANSFER, INC., P.O. Box 5724, Bellevue, WA 98006. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421; (206) 383–3998. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ID, MT, OR, and WA.

MC 167055, filed March 25, 1983. Applicant: KUSMAN TRUCKING, INC., P.O. Box 148, Donovan, IL 60931. Representative: Jeffrey Strange, 3330 Dundee Rd., Suite S–6, Northbrook, IL 60062; (312) 272–9063. Transporting: *rubber and rubber products*, between points in IL, on the one hand, and, on the other, points in IA, MO, KY, TN, OH, NY, PA, KS, MN, IN, NC, and SC.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–173

Decided: April 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 8768 (Sub-40), filed March 29, 1983. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, LA 70062. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006; (202) 466–3778. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Newpark Resources, Inc., of Metairie, LA.

MC 37918 (Sub-20), filed March 30, 1983. Applicant: DIRECT TRANSPORTATION SYSTEM LTD., Two Tippett Rd., Downsview, Ontario, Canada M3H 5X3. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006; 202–337–6500. Transporting in *foreign* commerce, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points on the international boundary line between the United States and Canada, on the one hand, and on the other, points in the U.S. (except HI).

MC 41098 (Sub-102), filed March 30, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006; (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Amica Mutual Insurance Co., of Providence, RI and its subsidiaries.

MC 41098 (Sub-103), filed March 30, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006; (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Eads Transfer & Storage Company d/b/a Eads Moving Brokerage, of Santa Ana, CA.

MC 41098 (Sub-104), filed April 1, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL and its subsidiaries.

MC 72069 (Sub-47), filed March 28, 1983. Applicant: BLUE HEN LINES, INC.,

P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005; (202) 296–3555. Transporting *sport shooting supplies*, between points in the U.S. (except AK and HI).

MC 141108 (Sub-18), filed March 28, 1983. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *food and related products*, between points in Rock Island County, IL, Buena Vista, Cherokee, Crawford, Webster and Woodbury Counties, IA, Rock County, MN, Dakota and Cuming Counties, NE, Finney and Lyon Counties, KS, Potter County, TX, Ada County, ID, and Walla Walla County, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142848 (Sub-17), filed March 28, 1983. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Vanderburgh County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147258 (Sub-4), filed March 28, 1983. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966; (215) 357–7220. Transporting *waste or scrap materials not identified by industry producing*, (1) between points in Lancaster County, PA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, (2) between points in Lehigh County, PA, on the one hand, and, on the other points in DE, CT, MA, NJ, NY, and OH, (3) between points in Hampden County, MA, on the one hand, and, on the other, points in CT, DE, NJ, NY, PA, and RI, and (4) between points in Bristol County, MA, on the one Hand, and, on the other, points in CT, DE, MD, NJ, NY, OH, AND PA.

MC 147258 (Sub-5), filed March 28, 1983. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966; (215) 357–7220. Transporting *clay, concrete, glass or stone products*, between points in Northampton County, PA, on the one hand, and, on the other, points in DE, NJ, and NY.

MC 147978 (Sub-12), filed March 31, 1983. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740; 301–797–6060. Transporting in *foreign*, commerce only, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the international boundary line between the United States and Canada at points in NY and MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156408 (Sub-2), filed March 29, 1983. Applicant: SOUTHWEST CANNERS, INC., P.O. Box 862, Portales, NM 88130. Representative: James W. Hightower, Suite 301, Allied Bank-Oak Cliff Bldg., 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385; 214–339–4108. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in AZ, CA, and NV, on the one hand, and, on the other, points in AZ, CO, NM, TX, and UT.

MC 166659, filed March 28, 1983. Applicant: WILLIAM PASQUALICHIO AND DOMINICK PASQUALICHIO d.b.a. PASQUALICHIO BROTHERS, 115 Franklin Ave., Scranton, PA 18512. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; 717–344–8030. Transporting *food and related products*, between points in Lackawanna County, PA, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 167108, filed March 28, 1983. Applicant: JAK RABBIT LINES, INC., 65 Cedar Place, Rye, NY 10580. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022; (212) 759–3700. Over *regular* routes, transporting *passengers*, between Stamford, CT and New York, NY, from Stamford over city streets to Interstate Hwy 95, then over Interstate Hwy 95 to Bruckner Expressway in Bronx, NY, then over Bruckner Expressway to Third Avenue Bridge, then over city streets to New York, NY, and return over the same routes, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 167148, filed March 30, 1983. Applicant: IRA L. HAWKINS, Route 4, Box 245, Ashland, VA 23005. Representative: Ira L. Hawkins (same address as applicant); 804–227–3648. Transporting *pulp, paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Bear Island Paper Company of Greenwich, CT.

MC 167169, filed March 31, 1983. Applicant: KRAMER TRUCK SERVICE, INC., 638 N 56th, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, ID and NV, under continuing contract(s) with International Paper Company, of New York, NY.

MC 167179(B), filed April 1, 1983. Applicant: COAST TO COAST TRANSPORTATION, INC., 4948 South 2nd Street, Milwaukee, WI 53207. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203; (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–167179 (A) published this same issue.

[FR Doc. 83-10025 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-134]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this **Federal Register** Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1—1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

MC 46421 (Sub-19), (Republication), filed August 16, 1983, published in the **Federal Register** September 9, 1982, and republished this issue. Applicant:

ESCRO TRANSPORT LTD., 275 Mayville Avenue, Buffalo, NY 14217. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. A decision by the Commission, Review Board Number 1, decided March 22, 1983, served March 29, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by grocery, food and drug business houses, between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include Massachusetts in the territorial grant.

MC 147021 (Sub-10), (Republication), filed October 25, 1983, published in the **Federal Register** November 15, 1982, and republished this issue. Applicant: C. SUMMERS, INC., 112 Spruce St., Elizabethville, PA 17023. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011.A decision by the Commission, Review Board Number 1, decided February 25, 1983, served March 10, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, building materials, and supplies*, (1) between points in Dauphin County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) between Denver, CO. Van Alstyne, TX, Vancouver, WA, Ontario, CA, and Merrill, WI, and points in Pinellas County, FL, Clay County, IN, and Alameda County, CA, on the one hand, and, on the other, those points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include Merrill, WI, as an origin point in part 2 of the territorial description.

MC 156770 Sub 1, (Republication), filed March 10, 1983, published in the **Federal Register** March 24, 1982, and republished this issue. Applicant: L&M TRUCK AND TRAILER COMPANY, INC., P.O. Box 314–K, Rt. 1, Waskon, TX 75692. Representative: Paul J. Guilliot, 111 East Main Street, P.O. Box 2877, Lafayette, LA 70502. A decision by the Commission, Review Board Number 1, decided March 23, 1983, served April 6, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food and edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. Applicant is fit, willing and able to properly perform the requested service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the proper scope of authority requested.

[FR Doc. 83-10022 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Vol. No. OP5-MCF-177]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC–F–15191, SPARTAN SERVICE TRANSPORTATION, INC., Control Exemption, CHIWAUKEE TRUCK LINES, INC. Spartan Service Transportation, Inc. (Spartan), No. MC–153973 seeks and exemption from the requirement under section 11343 of prior regulatory approval for its control of Chiwaukee Truck Lines, Inc. (Chiwaukee), No. MC–27089 and No. MC–143023, through a stock purchase agreement dated December 14, 1982, wherein Spartan will acquire control over Chiwaukee through purchase from Delphi Industries, Inc. (a non-carrier) of all of the capital stock of Chiwaukee. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative, Arnold L. Burke, 180 North La Salle St., Room 3520, Chicago, IL 60601. Comments should refer to No. MC–F–15191

[FR Doc. 83-10020 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30131]

Rail Carriers; Southern Pacific Transportation Company, Abandonment Exemption, Gila County, AZ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Southern Pacific Transportation Company of a 0.67-mile portion of its Globe Branch from milepost 1231.90 to milepost 1232.57 in Gila County, AZ, subject to conditions for protection of employees.

DATES: This exemption is effective on May 16, 1983. Petitions to stay must be filed by April 25, 1983; petitions for reconsideration must be filed by May 5, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30131 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representative: Gary A. Laakso, Southern Pacfic Transportation Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10017 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30148]

Rail Carriers; Visalia Electric Railroad Company, Abandonment Exemption, In Tulare County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by Visalia Electric Railroad Company of 2.88 miles of track, consisting of two segments, namely, between milepost 16.8 and milepost 18.6 and between milepost 11.42 and milepost 12.5, located in Tulare County, CA, subject to standard labor protection.

DATES: This exemption will be effective on May 16, 1983. Petitions to stay the effectiveness of this decision must be filed by April 25, 1983, and petitions for reconsideration must be filed by May 5, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30148 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representatives: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 434-5403.

Dated: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10018 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree and Related Settlement Documents in an Action Under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and Other Federal Statutes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that by April 15, 1983, a proposed Consent Decree and related settlement documents in *United States* v. *Olin corporation*, Civil Action No. CV80-PT-5300-NE will be lodged in the United States District Court for the Northern District of Alabama.

This action was originally filed in 1980 under Section 7003 of the Resource Conservation Recovery Act, 42 U.S.C. 6973, and under other statutes, against the Olin Corporation which manufactured DDT at a plant site on the Redstone Arsenal in Huntsville, Alabama, between 1947 and 1970. An amended complaint alleges an additional cause of action under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 et seq. Five related cases have also been filed in the Federal District Court for the Northern District of Alabama. One is a suit by the State of Alabama against Olin, raising claims similar to those presented by the United States. Four are tort suits by private plaintiffs seeking money damages from Olin arising out of harm allegedly caused by the DDT. The Consent Decree and related documents settle all of the related cases comprehensively.

The Consent Decree provides that Olin develop and implement a remedial plan to isolate DDT from the environment in the area. The settlement also provides for a health care fund to be used for health care and monitoring of persons who brought private tort suits and others who live in the area of the former plant and provides for a fund to be used to mitigate the effects of the DDT on the Wheeler National Wildlife Refuge which is in the area of the former plant. Settlement documents also include the health care plan, a comprehensive agreement settling claims and related releases.

The proposed Decree and all related settlement documents may be examined at the Office of the United States Attorney, 200 Federal Building, Birmingham, Alabama 35203, at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed Decree and related settlement documents may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $23.90 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed Consent Decree and related settlement documents for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, and should refer to *United States* v. *Olin Corporation*, DOJ Reference #90-7-1-150.

Anthony C. Liotta,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10124 Filed 4-14-83; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (adjustment to burden only)

Employment Standards Administration
Authorization for Release of Medical Information
CM–936
On occasion
Individual or households
3,000 responses; 250 hours; 1 form

This form is necessary in order to obtain medical information on a miner incurred outside of Department jurisdiction. The Privacy Act prevents hospitals, clinics or physicians from releasing this information without patient consent.

Employment and Training Administration
Nonmonetary Determination Activities
ETA–207
Quarterly
State or Local Governments
SIC 944
212 responses; 1166 hours; 1 form

Data are used to monitor the impact of disqualification provisions, to measure workload, and to appraise adequacy and effectiveness of State and Federal nonmonetary determination procedures.

Signed at Washington, D.C., this 12th day of April 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-10128 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-27-M, 4510-30-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

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Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Mine Safety and Health Administration
Record of Preshift and Onshift Inspections of Slope and Shaft Plans
MSHA 214R
Daily
Businesses or other institutions; small business or organization
SIC: 111, 121, and 1213
14,432 responses; 3,608 hours

Requires record of preshift and onshift inspections. Information is used as an enforcement tool to ensure that adequate examinations of the shaft/slope and associated equipment are made.

Occupational Safety and Health Administration
Air Quality Record
Occasionally
Businesses or other institutions
Small business or organization
SIC: 162 and 179
187,500 responses; 9,375 hours

Requires employers with employees working in underground locations to maintain a record of the findings when the atmosphere in underground locations is measured for oxygen content and contaminant levels. The information is to ensure that workplace atmospheres have been appropriately monitored and to provide the employer with information that will assist in determining how to ensure the safety of the employees.

Extensions

Bureau of Labor Statistics
Retail Prices—Shelter—Residential Property Taxes
BLS 2921F, 2921.40
Annually
State or local governments
SIC: 931
600 responses; 4,800 hours; 2 forms

This survey collects property tax change data which are an essential component of the Consumer Price Index.

Retail Prices—Initiation and Collection of Commodities and Services and Food
BLS 3400, 3400A, 3400B, 3400C, 3084A, 3401, 3402
Monthly
Business or other institutions
Small business affected
SIC: Retail Trade—Multiple
240,750 responses; 73,074 hours; 7 forms

The collection of the commodities services and food prices comprise a significant portion of the collection effort for the Consumer Price Index.

Signed at Washington, D.C. this 8th day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-10126 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-24, 4510-26, 4510-43-M

Report on Computer Matching Project Involving Beneficiaries of State Unemployment Insurance

Summary: The Department of Labor, Office of Inspector General, announces a proposal to match by computer certain federal employee records with the listings for recipients of unemployment insurance compensation in several states and the District of Columbia. The matches will be made under written agreement between the participating states and federal agencies. A matching report is set forth below.

a. *Project Authority:* The Office of Inspector General (OIG) pursuant to its Authority Under Pub. L. 95-452 (Inspector General Act of 1978) has initiated a program of computer matching.

b. *Project Description:* One of the responsibilities of the Inspector General under the Act is to prevent and detect fraud and abuse in the programs and operations of the Department of Labor while keeping the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the need for and progress of corrective actions. Computer matching is the most efficient and also the least intrusive means of determining the propriety of program claimants receiving benefits.

The Employment and Training Administration (ETA) of the Department of Labor provides guidance and administrative funding for state operated Unemployment Insurance (UI) Programs. The state UI programs provide weekly compensation payments to unemployed workers. This matching effort will compare state UI claimant records to Federal employee payroll records to identify individuals who received UI compensation during periods of Federal employment. The organizations in the match are: the State Employment Security Agencies of California, New York, Arkansas, Tennessee, Mississippi, Maryland, Texas, Utah, Pennsylvania, Missouri, Massachusetts, Kentucky, Virginia and the District of Columbia; the U.S. Department of Health and Human Services and the Veterans Administration. The states will provide USDOL/OIG computer tapes with certain claimant data extracted from their benefit history files. The Federal agencies will provide USDOL/OIG computer tapes with certain employee payroll data extracted from their payroll files. The period covered in the match will be October 4, 1980 through October 2, 1982. The State and Federal tapes will be matched using specially developed computer programs which will be used only to support this project. The "raw hits" resulting from the crossmatch will be forwarded to the respective Federal agency of employment for validation that UI benefits were paid while actually employed. Through USDOL/OIG, validated listings of such payments will be forwarded to the appropriate state agency for administrative processing and recovery of validated overpayments. In addition, the Federal agency will use the validated listings to pursue investigations and take other appropriate action. Although scheduled as a one time match, recommendations for expanding the matching to include additional states and/or Federal agencies based on the results of this match may be made.

c. *Description of Records to be Matched:*

Health and Human Services—09-90-0017, Pay Leave, and Attendance Records, HHS/OS/ASPER, 47 FR 198, pg 45759, on October 13, 1982.

Veterans Administration—27NA047, Personnel and Accounting Pay System—VA, 42 FR 187, pg. 49740, on September 27, 1977.

d. *Period of the Match:* The first match should begin approximately in May 1983, and the final match during June 1983. Follow-up procedures may extend through the end of calendar year 1983.

e. *Privacy Protection and Data security:* The personal privacy of individuals identified on tapes is protected by strict compliance with the Privacy Act (Public Law 93-579) and OMB Circular A-108. Information from matching programs is used only for official purposes and "raw hits" are not released to the press or to the public.

All automated data sets will be password protected, and only those who need to know will be given access to the data sets or the passwords. All paper listings of data will be stored in a room which will be locked when not occupied.

f. *Disposition of Source Records and Hits:* Source records will not become part of the DOL/OIG system of records and will be returned to the providing agency and/or destroyed within six months after completion of the match. USDOL/OIG will not retain copies of "raw hit" listings. As stated above these listings will be forwarded to the appropriate Federal agencies of employment for validation. The "raw hit" listings will not be retained by the Federal agencies for more than one year. The "validated hit" listings may be retained by USDOL/OIG, the participating Federal agencies and State Employment Security Agencies for up to three years, (commencing upon completion of the validation process) and will then be destroyed.

Signed at Washington, D.C., on the 7th day of April, 1983.

J. Brian Hyland,

Deputy Inspector General.

[FR Doc. 83-10125 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-21-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number of proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25 as amended).

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-83 to 1-17-84; 10 percent of the total number of factory

production workers for normal labor turnover purposes. (Men's shirts)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Somerset Mfg. Co., Inc., Somerset, PA: 3–8–83 to 3–7–84; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' slips and sleepwear)

The following certificate was issued in Puerto Rico.

Glamourette Fashion Mills, Inc., Quebradillas, PR; 2–28–83 to 2–27–84; 61 learners for normal labor turnover purposes in the occupations of: (1) knitting, for a learning period of 480 hours at the rate of $3.02 an hour for the first 240 hours an $3.19 and hour for the remaining 240; (2) machine stitching-seaming, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; (3) pressing for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; and (4) kettle handlers and dyers for a learning period of 240 hours at the rate of $3.02 an hour. (Sweaters and related products)

Each certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof on or before May 2, 1983.

Signed at Washington, DC this 8th day of April 1983.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 83–10128 Filed 4–14–83; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel (Challenge/Advancement); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Challenge/Advancement) to the National Council on the Arts will be held on May 4–6, 1983, form 9:00 a.m.–5:30 p.m., at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 11, 1983.

[FR Doc. 83–10065 Filed 4–14–83; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences—Subpanel for Anthropology (Physical- & Archaeology).

Date and time: May 11, 1983—8:30–6:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 1224, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Charles L. Redman, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550, (202) 357–7804.

Purpose of subpanel: To provide advice and recommendations concerning support for research in archaeology and physical anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: the proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority of close meeting: this determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–10100 Filed 4–14–83; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Dates: May 6, 1983, 8:30 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C.; Room 1224.

Type of meeting: Part-open.

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9552.

Summary of minutes: May be obtained from Contact Person.

Purpose of Committee: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering.

Agenda

8:30 a.m. to 11:15 a.m., open.

11:15 a.m. to 11:45 a.m., closed.

1:00 p.m. to 4:00 p.m., open.

8:30 a.m. Recent events affecting the Division of International Programs. NSF policy and planning for international scientific cooperation. Discussion of the Committee's General Report.

11:15 a.m. Review of Peer Oversight Report drafted by the Oversight Subcommittee.

1:00 p.m. Summary of science in international relations. Developing countries updates: India and Mexico

Reason for Closing

The Committee will be reviewing documentation of program actions involving peer reviews and involving privileged information contained in declined and withdrawn proposals. These matters cannot be separated from discussion of public matters relating to awards and are within exemptions (4) and (6) of 5 U.S.C. 552(c). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10101 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Mathematical and Computer Sciences, Subcommittee for Computer Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences.

Date and Time: May 2 and 3, 1983—9:00 a.m. each day.

Place: Room 338, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550.

Type of meeting: All Sessions Open

—05/02 open 9:00 a.m. to 5:00 p.m.

—05/03 open 9:00 a.m. to 3:00 p.m.

Contact person: Mr. Kent K. Curtis, Head, Computer Science Section, Room 339, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify Mr. Curtis no later than 04/28/83.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Computer Science.

Summary minutes: May be obtained from the contact person at the above address.

Monday, May 2, 1983—9:00 a.m. to 5:00 p.m.—Open

9:00-9:15—Opening Remarks, K. K. Curtis
9:15-10:00—Division Director's Remarks, E. F. Infante
10:00-10:30—Assistant Director's Remarks, M. Bardon
10:30-11:30—CSNET Status and Issues, W. R. Adrion
11:30-12:00—Objectives and Procedures for Conducting CER Program Review, W. R. Adrion
12:00-1:00—Lunch
1:00-2:00—Equipment Program Status and Issues, J. R. Lehmann
2:00-5:00—Other Federal Agency Support, Representatives of DOE, NASA, ONR, ARO, AFOSR, and DARPA

Tuesday, May 3, 1983—9:00 a.m. to 3:00 p.m.—Open

9:00-12:30—Directions, Needs, and Appropriate Responses, K. K. Curtis
12:30-1:30—Lunch
1:30-3:00—Chairman's Items, A. Aho
3:00—Adjourn

Dated: April 12, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10102 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences—Subpanel for Anthropology (Social-Cultural).

Date and time: May 6, 1983—8:30-6:00 p.m.

Place: National Science Foundation, 1800 G Street, N.W., Room 543, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Stephen B. Brush, Program Director for Anthropology, Room 320, National Science Foundation, Washington, DC 20550, (202) 357-7804.

Purpose of subpanel: To provide advice and recommendations concerning support for research in social and cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10107 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ocean Sciences, Subcommittee for Ocean Sciences Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and time: May 3, 4, and 5, 1983, 9:00 am to 6:00 pm each day.

Place: Rooms 536, 628, 1224 and 1240, National Science Foundation, 1800 G Street, NW., Washington, D C.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Ocean Science Research Section, Room 611, National Science Foundation, Washington, D.C., 20550 Telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10103 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Environmental Biology, Subpanel on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Population Biology and Physiological Ecology of the Advisory Panel for Environmental Biology.

Date and time: May 5 and 6, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550

Type of meeting: Closed.

Contact person: Dr. Robert E. Cook, Program Director, Population Biology and Physiological Ecology (202) 357-9728, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial date, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10100 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular and Molecular Biology, Subpanel on Regulatory Biology; Meeting

In accordance with Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulatory Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: May 4, 5 and 6, 1983 (8:30 am to 5:00 pm).

Place: Conference Room 338, National Science Foundation; 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, D.C. 20550, Telephone 202/357-7975.

Purpose of Subpanel: To provide advice and recommendations conceerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individiduals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21 1983

M. Rebecca Winker,

Committee Management Coordinator.

[FR Doc. 83-10104 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel for Sociology of the Advisory Panel for Social and Economic Science.

Date and Time: May 2-3, 1983.

Monday—9:00 am to 5:30 pm.

Tuesday—9:00 am to 4:00 pm.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 1141.

Type of meeting: Closed.

Contact persons: Joanne Miller, Program Director for Sociology or Gail Wisan, Associate Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7802.

Purpose of subpanel: To provide advice and recommendation concerning support for research in the Sociology Program

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10099 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Law and Social Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel for Law and Social Sciences of the Advisory Panel for Social and Economic Science.

Date/time: May 5th and 6th, 1983; 9:00 a.m. to 5:00 p.m.

Place: Room 1242a, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences Program, Room 312, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550; telephone (202) 357-9567.

Purpose of subpanel: To provide advice and recommendation concerning support for research in Law and Social Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc 83-10105 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Exemption

I

Boston Edison Company (BECo, licensee) is the holder of Facility Operating Licensee No. DPR-35 which authorizes operation of the Pilgrim Nuclear Power Station. This license provides, among other things, that it is subject to all Rules, Regulations, and Orders of the Commission now or hereafter in effect.

The facility is comprised of a boiling water reactor at the licensee's site located in Plymouth County, Massachusetts.

II

Section IV.F of Appendix E to 10 CFR Part 50 requires that an emergency preparedness exercise be conducted at least on annual basis. A full scale emergency preparedness exercise was conducted by Boston Edison Company on March 3, 1982.

By letter dated November 17, 1982, Boston Edison Company, stated that the Federal Emergency Management Agency (FEMA) requested BEC'o cooperation in rescheduling the annual offsite emergency planning exercise for Pilgrim Nuclear Power Station to a date late in June 1983, to allow for the full-scale participation of all parties. Accordingly, the licensee requested NRC approval of a one-time exemption from the schedular requirements of 10 CFR Part 50, Appendix E, Section IV.F to allow BECo's annual emergency preparedness exercise to be conducted in late June, 1983.

The licensee has committed to continual training of personnel as

outlined in the Pilgrim Nuclear Power Station Emergency Plan to ensure that personnel remain familiar with emergency response duties. Therefore, the Pilgrm emergency plan will remain fully functional during the period of this one-time delay in performing the emergency preparedness drill.

Based on this; and on the fact that the last full-scale exercise was held on March 3, 1982 and that the exercise demonstrated an acceptable level of preparedness; and our belief that the most effective and beneficial annual exercises are those involving full-scale participation of State and local government organizations, we find that a delay in performing the annual emergency preparedness exercise will not adversely affect the overall state of emergency preparedness at Pilgrim. The staff therefore concludes that an exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

The licensee is exempt from the requirement of Section IV.F of Appendix E to 10 CFR Part 50 with respect to the requirement for conducting an annual emergency preparedness exercise, and is required to conduct the next emergency preparedness exercise for the Pilgrim Nuclear Power Station no later than June 30, 1983.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 30th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10090 Filed 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445, 50-446; (Application for Operating License)]

Texas Utilities Generating Co., et. al. (Comanche Peak Steam Electric Station, Units 1 and 2); Evidentiary Hearing

April 12, 1983

From May 16–20, 1983 the Atomic Safety and Licensing Board (Board) will conduct an evidentiary hearing in this case at the Fritz Lantham Building, Room 5B14, 819 Taylor Street, Fort Worth, Texas. The purpose of the hearing is to receive evidence on a staff study of quality assurance at Comanche Peak (and some related issues), on emergency planning and on some Board questions about unresolved safety issues and board notices.

Ordinary hours of hearing will be from 9 a.m. to 5 p.m., subject to periodic recesses and to extension of hours in order to complete the hearing during the scheduled time period.

Members of the public who are not parties to the proceeding are invited to submit written limited appearance statements and to make brief oral presentations to the Board during a limited-appearance session to be held beginning at 8 p.m. on May 16, 1983. The principal purpose of these statements is to inform the Board about safety and environmental issues which have been placed before it by the parties or about other issues of such importance that the Board may decide to consider them even though the parties have not raised them.

Although statements generally will be permitted regardless of their direct relevance, the Board's authority is limited; in particular, it is prohibited from reaching decisions contrary to the Commission's rules and regulations. Consequently, some questions may be more effectively addressed in petitions to the Nuclear Regulatory Commission or the Congress of the United States.

Limited appearance statements will become part of the record of the case. Generally, written statements are not limited in length. However, oral presentations will be limited to 5 minutes, subject to extension at the Board's discretion. Oral presentations should summarize the key points made in written testimony and, if additional time may be needed, these statements should indicate the specific subjects to be discussed if an extension of time is granted.

Persons wishing to appear may notify the Board of their intention by writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, D.C. 20555. Please refer to the Docket Nos. 50–445 and 50–446. People unable to provide advance notice of their intention to participate may schedule an oral appearance by notifying the Board of their intention, in writing, no later than 10 a.m. on Monday morning, May 16, 1983.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

Bethesda, Maryland.

[FR Doc. 83-10245 Filed 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D14, "Design for Reactor Core Safety in Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. V. C. Orpen and Mr. A. C. Whittier from Canada, Mr. F. W. Aisch from the Federal Republic of Germany, Mr. S. Saito from Japan, and Mr. A. F. Goode from the United Kingdom, developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 3, 12/16/82). Comments received

by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by June 1, 1983, will be particularly useful to the U.S. representatives of the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 11th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-10092 Filed 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station Unit No. 1; Exemption

I

The Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the licensee to operate the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at power levels not in excess of 1850 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Order of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, become effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked.

The licensee responded to these requirements by letter dated March 19, 1981, and supplemented its response by information contained in letters dated June 9, 1981, October 1, 1982, and December 3, 1982.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50. Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires alternative shutdown capability independent of the fire area of concern.

The exemption requests we found to be acceptable are as follows:

1. The licensee requested an exemption from the provisions of Section III.G of Appendix R for the battery board rooms (Fire Zones B1A and B1B) because their boundary walls do not provide the required three-hour rated barriers.

The licensee justified the exemption by stating that: redundant systems, equipment and associated cabling in the battery board rooms are separated by a two-hour fire wall; transient combustibles are essentialy non-existent, smoke detectors and manual fire suppression are available; fixed combustible loading is minimal; combustible storage and personnel access is controlled; and automatic suppression capabilities are installed in adjacent areas.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G because the boundary walls are not the required three-hour rated barriers. However, we find that the combustible loading in these rooms is significantly lower than the fire resistance rating of the boundary walls and that detection and manual suppression capability is provided in adjacent areas. We find that this protection, in conjunction with the other features identified by the licensee, provide sufficient fire protection capability such that reasonable assurance exists that one train of components needed for safe shutdown will be maintained free of fire damage.

Therefore, we conclude that the existing fire protection program for the battery board rooms (Fire Zones B1A and B1B) provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

2. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the battery rooms located in Fire Zones B2A and B2B because their boundary walls are not the required three hour barriers.

The licensee has justified the exemption request by stating that: Redundant systems, equipment and associated cabling are separated by a two-hour rated fire barrier; transient combustibles are essentially nonexistent; smoke detectors are available; manual suppression is available in adjacent areas; fixed combustible loading in the area is light; and that access to the area is restricted.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G of Appendix R because the boundary walls are not the required three hour barriers. However, we find that the combustible loading in these rooms is significantly lower that the fire resistance rating of the existing boundary walls and that detection and manual suppression capability are provided in adjacent areas. We find that this protection, in conjunction with the other features identified by the licensee, provide sufficient fire protection capability such that reasonable assurance exists that one train of components needed for safe shutdown will be maintained free of fire damage.

Therefore, we conclude that the existing fire protection program for the battery rooms in Fire Zones B2A and B2B provides a level of fire protection equivalent to the technical requirements

of Section III.G of Appendix R and that the licensee's request should be granted.

3. The licensee has requested an exemption from Section III.G for the boundary wall that separates fire Sub-Areas 1 and 2 in the upper level of the Reactor Building and for the boundary wall that separates Fire Sub-Areas 1 and 2 from Fire Zone T8A and T8B in the adjacent Turbine Building because the area does not have a three-hour rated barrier or an automatic suppression system, nor is there an alternate shutdown capability independent of the area.

The licensee has justified the exemption by stating that: redundant systems, equipment, and associated cabling are separated by twenty feet of separation without intervening combustibles; transient combustible loadings are low and controlled; smoke detectors are provided; manual fire suppression is available; fixed combustible loading is extremely light; and maximum fire severity is less than one minute.

We have reviewed the licensee's submittals and agree with its evaluation that the area does not comply with Section III.G because it is not provided with a three-hour rated barrier or an automatic suppression system, and that no alternate shutdown capability independent of the area exists. However, we find that due to the low in-situ fire load, large room volume and a ceiling height in excess of fifty feet, the probability of a fire occurrence of sufficient magnitude to damage redundant cables and components is low. In addition, the fire hazard associated with this small amount of cables has been further reduced by coating the intervening cables with a flame-retardant coating.

Therefore, we conclude that the existing fire protection program provides reasonable assurance that one train of cables and components needed for safe shutdown in Fire Sub-Areas 1 and 2 will be maintained free of fire damage, and the existing fire wall between these sub-areas and the adjacent Fire Zones T8A and T8B in the Turbine Building is adequate to prevent fire propagation to these areas. We also conclude that these measures provide a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

4. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the boundary wall between Fire Zones T8A and T8B along with common boundary of column line 8.

The licensee has justified the exemption by stating that: redundant systems, equipment and associated cabling are separated by twenty feet of separation without intervening combustibles. Transient combustible loadings are low and controlled; early warning ionization-type smoke detectors are used in each fire zone which alarm in the control room; manual suppression is available within and outside each fire zone; and fixed combustible loading is extremely light, with controlled storage of transient combustibles.

We have reviewed the licensee's submittals and agree with the licensee's evaluation which concludes that this area does not comply with Section III.G because the boundary wall between redundant divisions is not three-hour rated barrier, and automatic suppression, or alternate shutdown capability independent of the area is not provided. However, we find that redundant components are separated by twenty feet with only a small amount of intervening combustibles, and that the fire hazard associated with these combustibles has been further reduced by coating the intervening combustibles (cables) with a flame retardant coating. In addition, due to the physical configuration of the room and the materials used in the safety related applications in this area, we find the probability that a fire could damage redundant safety related components is low.

Therefore, we conclude that the existing fire protection program for Fire Zones T8A and T8B provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

5. The licensee has requested an exemption from the provision of Section III.G of Appendix R for the control room ceiling because the ceiling does not have a three-hour rating from the control room side due to unprotected structural steel members.

The licensee has justified the exemption by stating that: ionization type smoke detectors are installed in the control room and in each control console; manual suppression is available; the control room is continuously manned; access to the control room is controlled; storage of transient combustibles is not allowed; control room systems are capable of removing smoke and byproducts; fire loading is minimal; no safe shutdown systems are located in fire zones above the control room; the ceiling area is well above the combustibles in the control room; and the majority of the combustibles in the control room are enclosed in metal panels.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G because the control room is not provided with a fixed fire suppression system, and is not completely enclosed by three-hour rated fire barriers. However, we find that the fire protection features currently installed in the control room and the continuous manning of the control room provide adequate defense-in-depth fire fighting capability for this area. In addition, we agree that the other features identified by the licensee provide adequate assurance that any fire initiated in the control room would be rapidly extinguished before significant fire damage occurred.

Therefore, we conclude that the existing fire protection program for the control room provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R, and that the licensee's request should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted from the requirements of Section III.G of Appendix R of 10 CFR Part 50 for the following areas:

1. Battery Board Rooms (Fire Zones B1A and B1B).

2. Battery Rooms (Fire Zones B2A and B2B).

3. Reactor Building, upper level (Fire Sub-Areas 1 and 2), including the boundary wall that separates Fire Sub-Areas 1 and 2 from the Fire Zones T8A and T8B in the adjacent Turbine Building.

4. Turbine Building, upper level (Fire Zones T8A and T8B).

5. Control Room (Fire Zone C3).

The NRC staff has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 21st day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10091 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13152; 812-5447]

Hartford Variable Annuity Life Insurance Co. et al; Application

April 8, 1983.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), Hartford Equity Sales Company, Inc. ("Equity Sales"), Hartford variable Life Insurance Company DC Variable Account–I ("DC–I"), Hartford Variable Annuity Life Insurance Company DC Variable Account-II ("DC–II"), Hartford Variable Annuity Life Insurance Company QP Variable Account ("QP") Hartford Variable Annuity Life Insurance Company NQ Variable Account ("NQ") Hartford Variable Annuity Life Insurance Company Variable Account "A" ("Account A"), Hartford Fund, Incorporated ("Hartford Fund") Hartford Advisers Fund, Inc. ("Advisers"), HVA Bond Fund, Inc. ("HVA-Bond"), HVA Money Market Fund, Inc. ("HVA-Money"), HVA Government Securities Fund, Inc. ("HVA-Government Securities") and HVA Advisers Fund, Inc. ("HVA-Advisers") (hereinafter collectively referred to as "Applicants"), Hartford Plaza, Hartford, Conn. 06115, filed an application on February 3, 1983, and amendments thereto on March 9, 1983 and March 29, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of Sections 2(a)(32), 2(a)(35), 14(a), 22(c), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the Applicants' proposed offering of certain variable annuity contracts, pursuant to Section 6(c) amending prior orders, and pursuant to Sections 11(a) and 11(c) of the Act approving the terms of certain exchange offers. Applicants also request an order pursuant to Section 17(b) of the act and Rule 17d–1 under Section 17(d) of the Act exempting certain transactions from the provisions of Sections 17(a) and 17(d) of the Act and for an order pursuant to Section 26(b) of the Act approving the substitution of the funding media of certain varable annuity contracts. All interested persons are referred to the application and amendments on file with the Commission for a statement of the facts and representation contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant statutory provisions.

HVA is a stock life insurance company acting as sponsor-depositor of DC–I, DC–II, Account A, Account QP and Account NQ, each of which is a separate account registered under the Act as a unit investment trust (collectively, the "unit trust"). Hartford Fund, which presently serves as the underlying investment medium for the unit trusts, is registered under the Act as an open-end, diversified, management investment company and is presently organized as a series investment company with a bond, stock, and money market portfolio. HVA-Bond, HVA-Money Maket, HVA-Government Securities, Advisers, and HVA Advisers are newly-organized investment companies register under the Act as open-end management investment companies (the "HVA Funds"). Equity Sales is a registered broker-dealer and a wholly-owned subsidiary of HVA.

Applications request an order of the Commission to the extent necessary to take the following actions.

1. Issuance of New Contracts and Amendment of Prior Orders

HVA presently issues Group Master Variable Annuity Contracts through DC–II ("Old Contracts") and previously obtained all necessary "start-up" relief for the issuance of these contracts (see Investment Company Act Rel. No. 12065 (Dec. 1, 1981). HVA also issues other variable annuity contracts through the unit trusts ("Other Contracts") and previously obtained all necessary "start-up" relief for the issuance of these contracts (*see*

Investment Company Act Rel. Nos. 9906 (Aug. 24, 1977), 9907 (Aug. 24, 1977), 9908 (Aug. 24, 1977), 11426 (Nov. 4, 1980), and 12065 (Dec. 1, 1981). HVA now proposes to issue a new series of Group Master Variable Annuity Contracts ("New Contracts") identical to the Old Contracts except for the schedule of contingent deferred sales charges applicable to and the level of the annual policy fee to be deducted from such contracts.

With respect to the sales charge, Applicants propose to implement the revised sales load schedule described in the application and represent that in no event will the sales charge imposed on Old or New Contracts exceed 8½% of the gross purchase payments made. Applicants also represent that the schedule of sales charges on the Other Contracts will remain unchanged and also in no event exceed 8½% of purchase payments made, and request that the prior orders issued with respect to these contracts be amended to include this limitation.

With respect to the annual policy fee, HVA also proposes to reduce the amount of the annual policy fee, which is presently $25 under the Old Contracts, to $18 under the New Contracts, as well as reducing the maximum permissible fee that may be imposed, which is presently $50 under the Old Contracts, to $36 under the New Contracts. Applicants represent that the annual fee will cover the costs incurred in setting up and maintaining contractowners' accounts and that they do not anticipate any profit from this fee. Applicants also represent that any increases in the annual fee up to the maximum permissible amount will be made only to cover anticipated increases in costs. Applicants further propose not to pro-rate the annual fee upon redemption and represent that this is appropriate as many of the costs of maintaining a contract are incurred regardless of when the contract is redeemed.

2. Reorganization of Hartford Fund and Substitution of Shares

Applicants also propose to reorganize and recapitalize the Hartford Fund. Under the terms of the Old and Other Contracts, contractowners have the option to vary the allocation of their investments between the three existing portfolios of Hartford Fund. As described in the application, Hartford Fund proposes to reorganize by terminating the bond and money market portfolios and changing the Hartford Fund's name to HVA Stock Fund. In connection with this reorganization, the securities underlying the money market and bond portfolios wil be transferred to newly created HVA-Bond and HVA-Money Market and the shares of HVA-Bond and HVA-Money Market will be substituted for the shares of the bond and money market portfolios. After the reorganization, the HVA Funds and the HVA Stock Fund will be the investment alternatives under the Old, New, and Other Contracts, except that the shares of Advisers will not be available to owners of Other Contracts issued through Account NQ.

Applicants represent that the proposed reorganization and recapitalization of Hartford Fund is occasioned by the Internal Revenue Service's position that a series company is taxable as a single entity for Federal income tax purposes. Applicants state that the boards of directors of Hartford

Fund and HVA have determined that taxation of Hartford Fund as a single entity could be detrimental to owners of non-tax qualified contracts in the computation and utilization of capital gains and losses and tax reserve set asides. The boards of directors therefore determined that the reorganization of Hartford Fund is in the best interests of contractowners and Applicants represent that HVA will pay the expenses of the reorganization. Applicants also represent that the shares of HVA-Bonds and HVA-Money Market to be substituted are generally comparable in both character and quality to the shares of Hartford Fund that will become unavailable. Applicants also represent that contractowners will be given written notice of the substitution and may surrender their contracts.

3. Exchange Offers

In addition, Applicants propose to permit owners of Old, New, and Other Contracts to exchange shares of the underlying investment media of their contracts for shares of the other available investment media, as described in the application and subject to certain conditions. In connection with these transfers in the case of New Contracts only, Applicants propose to deduct a $5 transfer fee. Applicants represent that the transfer charge approximates the administrative expenses to be incurred in connection with an exchange and that they do not anticipate any profit from this fee.

Requested Relief

1. *Section 6(c).* Section 6(c) of the Act provides generally that the Commission may exempt any person from any provision of the Act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the relief requested below is appropriate in the public interest and fully consistent with the protection of investors and the policy and purposes of the Act.

Pursuant to this provision, Applicants request the following exemptions: (i) from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit HVA to deduct the contingent deferred sales charge, the annual policy fee, and the transfer charge; (ii) from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(d) of the Act and Rule 22c-1 thereunder, to the extent necessary, to impose the sales charge and the full annual policy fee upon redemption; and (iii) from Sections 26(a)(2)(D) and 27(c)(2) to the extent necessary to permit HVA to hold the assets of the unit trusts under an open account arrangement without the use of stock certificates. They also request, as discussed above, that certain prior orders be amended to include a sales charge limitation.

Finally, Applicants request relief from section 14(a) of the Act to the extent necessary to permit HVA-Bond and HVA-Money Market to issue their shares to Hartford Fund in exchange for the securities underlying the bond and money market portfolios. Applicants assert that immediately upon such exchange, each of these funds will have in excess of the minimum capital requirement provided by Section 14(a) of the Act, but request relief to the extent that this issuance may be deemed to be a public offering of securities not in compliance with the provisions of Section 14(a) of the Act.

2. *Section 17(b) and Rule 17d-1.* Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, knowingly to sell to or purchase from such investment company any security or other property. Section 17(b) of the Act provides, in pertinent part, that notwithstanding Section 17(a) of the Act, a person may file with the Commission an application for an order exempting a proposed transaction from the provisions of Section 17(a). Section 17(d) and Rule 17d-1 thereunder generally make it unlawful for any affiliated person of a registered investment company to effect any transaction in which such investment company is a joint participant without the permission of the Commission.

Applicants request an order pursuant to Section 17(b) and Rule 17d-1 exempting the proposed reorganization and recapitalization of Hartford Fund,and the resultant transfers of the securities, from the provisions of Section 17(a) and Rule 17d-1.

3. *Section 26(b).* Section 26(b) of the Act makes it unlawful for the depositor of any unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. Applicants HVA and Hartford Fund request an order pursuant to Section 26(b) authorizing the substitution of the shares of HVA-Bond and HVA-Money Market for the shares of the bond and money market portfolios of Hartford Fund.

4. *Section 11.* Section 11(a) of the Act provides generally that it shall be unlawful for any registered open-end company to make an exchange offer on any basis other than relative net asset values unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of exchange offer involving the securities of a registered unit investment trust. Applicants request an order of the Commission pursuant to Section 11 approving the terms of the proposed offers of exchange noted above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specified issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10032 Filed 4-14-83; 8:45 am]

BILLING CODE 8010-01-M

Local Forums on Small Business Capital Formation

The Executive Committee of the Securities and Exchange Commission Government-Business Forum on Small Business Capital Formation announces plans to conduct during June and July 1983, a series of five local forums in cities across the nation concerning the small business capital formation process. Small businesspersons, bankers, financial advisers, venture capitalists, pension fund managers and others interested in small business will have an opportunity to present their views on problems and specific proposed remedies relating to tax, credit, access to financial institutions, securities and other areas of importance in the capital formation process.

The Executive Committee, which is chaired by SEC Commissioner John R. Evans, is comprised of representatives of government agencies, major small business organizations and other individuals and groups concerned about small business (see below). A panel of Executive Committee members, including representatives of key federal agencies and departments, will conduct each local forum. The Executive Committee will prepare a report of the local forums, including proposed legislative and regulatory recommendations, to be presented to Congress and appropriate regulatory agencies later this year. The report is intended to provide guidance in establishing small business priorities for the eighties.

The Forum, which was first conducted in 1982 pursuant to the Small Business Investment Incentive Act, represents a unique attempt to establish a meaningful and ongoing dialogue involving small businesspersons, federal government agencies and private sector organizations concerned with small business issues on the problems affecting the small business community. The Final Report of the first Forum, which contained 37 recommendations in the areas of tax, credit, access to financial institutions and securities, was presented to a joint Congressional small business hearing in December 1982, and is the subject of considerable legislative and regulatory activity.

Local forums will be conducted in the following cities:

Washington, D.C., during the week of June 6, 1983.

Houston during the week of June 13, 1983.

St. Louis during the week of June 20, 1983.

San Francisco during the week of June 27, 1983.

Boston during the week of July 11, 1983.

A written summary or outline of the presentation will be requested five days in advance of an appearance at the Forum. This summary will facilitate an informed dialogue between the Executive Committee members and those making presentations.

Persons or groups interested in participating in a local forum should contact Paul A. Belvin, Forum Staff Director, or H. Steven Holtzman, Forum Special Counsel, at (202) 272-2644 or write to the following address: 1983 Small Business Forum, Office of Small Business Policy, U.S. Securities and Exchange Commission, 450 5th Street, NW., Stop 3-11, Washington, D.C. 20549.

George A Fitzsimmons,

Secretary.

April 11, 1983.

1983 Forum—Executive Committee Members

John R. Evans, Commissioner—Executive Committee Chairman, Securities and Exchange Commission

Michael Barton, Director, Community and Consumer Affairs, Office of the Comptroller of the Currency

Mary E.T. Beach, Associate Director, Division of Corporation Finance, Securities and Exchange Commission

Thomas Bennett, Senior Vice President, Stillwater National Bank & Trust Company (Robert Morris Associates)

Robert Blair, Vice President, American Stock Exchange

Hugh Brady, Director, Regulatory Reform, National Association of Manufacturers

Phillip R. Croessmann, Director, Government Affairs, American Institute of Architects

Robert Dederick, Under Secretary of Economic Affairs, U.S. Department of Commerce

Samuel A. Derieux, Esq., Past President, American Institute of Certified Public Accountants

John H. Fitch, Jr., Vice President, Government Relations, National Association of Wholesaler-Distributors

Glendon Hildebrand, Assistant Director, Research and Technical Activities Division, Financial Accounting Standards Board

Patricia Jacobs, President, American Association of Minority Enterprise Small Business Investment Companies

John Kelly, Assistant Secretary for Public Liaison and Consumer Affairs, U.S. Department of the Treasury

Thomas P. Kerester, Coopers & Lybrand

Elbert Mackey, Director, Michigan State Securities Commission

Peter McNeish, Executive Vice President, National Association of Small Business Investment Companies

Alan Mendelson, Assistant Vice President, Aetna Life Insurance Company

Steven Merrill, Chairman, SEC Committee, National Venture Capital Association

Harold Noll, Deputy Assistant Secretary, Public Liaison and Consumer Affairs, Department of the Treasury

Dennis O'Connor, Small Business United

Douglas F. Parrillo, Vice President, Department of Policy Research, National Association of Securities Dealers

George Saunders, Finance Specialist, National Federation of Independent Business

Joseph Schoeberl, Missouri State Securities Commissioner

Lee B. Spencer, Jr., Director, Division of Corporation Finance, Securities and Exchange Commission

Herb Spira, Tax Consultant, National Small Business Association

Howard H. Stevenson, Sarofim-Rock Professor of Business Administration, Harvard University

Eleanor Stockwell, Senior Deputy Associate Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System

Frank Swain, Chief Counsel for Advocacy, Small Business Administration

William Taylor, Esq., Chairman, Small Business Committee, American Bar Association

Linda, A. Wertheimer, Esq., Chairman, Subcommittee on Partnerships, Trust and Unincorporated Associations, American Bar Association

Ernest R. Widmann, Vice President, Financial Analyst Federation

[FR Doc. 83-10034 Filed 4-14-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13153; 812-5487]

World of Technology, Inc. and Financial Programs, Inc.; Filing of Application

April 8, 1983.

Notice is hereby given that World of Technology, Inc. (the "Fund"), 7503 Marin Drive, Englewood, Colorado 80111 registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, and Financial Programs, Inc. ("Programs"), principal underwriter of the Fund in the United States (collectively "Applicants"), filed an application on March 9, 1983, and an amendment thereto on April 7, 1983, for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act to the extent necessary to permit them to offer shares of the Fund for a limited period of time to shareholders of other registered investment companies distributed and advised by Programs at current net asset value per share without the imposition of a sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein

which are summarized below. Such persons are also referred to the Act for the complete text of the provisions thereof from which an exemption is being sought.

On December 16, 1982, the Fund registered under the Act and filed a registration statement with the Commission under the Securities Act of 1933 pursuant to which it seeks to register its shares for sale to the public in a continuous offering. As of the date of the filing of the application, that registration statement had not yet become effective. The investment objective of the Fund is long-term capital appreciation, which the Fund seeks to achieve through the investment of its assets primarily in the equity securities of domestic and foreign high technology companies.

Programs is a wholly-owned subsidiary of Britannia Holdings Inc., which in turn is a wholly-owned subsidiary of Britannia Arrow Holdings PLC ("Britannia"), a United Kingdom financial holding company organized in 1935. Britannia's principal business, which is conducted through various subsidiaries, is investment management on an international basis. Programs and Britannia International Asset Management Ltd., a wholly-owned subsidiary of Britannia, are investment advisers to the Fund. Pursuant to separate advisory agreements with the Fund, Programs will be responsible for the portfolio management of assets invested in the United States and Britannia International Asset Management Ltd. will be responsible for the management of assets invested outside of the United States.

After the Fund's registration statement becomes effective, it is intended that shares of the Fund will be sold to the public at their current net asset value per share, plus a sales charge ranging from 1% to 5% of the public offering price depending upon the amount invested.

Financial Daily Income Shares, Inc., Financial Industrial Fund, Inc., Financial Industrial Income Fund, Inc., Financial Dynamics Fund, Inc., Financial Bond Shares, Inc. and Financial Tax-Free Income Shares, Inc. (the "Financial Funds") are registered, open-end, diversified management investment companies for which Programs also serves as investment adviser. Pursuant to distribution contracts with each of the Financial Funds, Programs acts as distributor of their shares without remuneration. The Financial Funds have various investment objectives and policies. Shares of each of the Financial Funds are sold to the public without the imposition of a sales charge. In addition, each of the Financial Funds offers shareholders of the other Funds the privilege of exchanging their shares of such Funds for shares of one of the other Financial Funds on a no load basis at the respective net asset values of such Funds' shares at the time of exchange.

Applicants state that the Board of Directors of the Fund determined that it would be appropriate to give recognition to the expectations of current shareholders of the Financial Funds by affording those shareholders the opportunity to purchase shares of the Fund at current net asset value per share without the imposition of a sales charge for a limited period of time. The application states that the offer will be made available for a period of 90 days to shareholders of record of the Financial Funds commencing as of the day before the notice of filing of the application is issued by the Commission (the "Special Offer").

Applicants state that an exemption from the provisions of Section 22(d) of the Act is required to implement the Special Offer described above because the sale of Fund shares at no load to shareholders of the Financial Funds would result in the sale of Fund shares at a price other than that described in the prospectus, which price the general public will pay to purchase shares of the Fund.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that investors in the Financial Funds have been led to expect to have the ability to apportion readily their investments among the various investment companies distributed by Programs and to make investments in new companies within the complex without having to pay a sales charge. Applicants further assert, in this regard, that in determining whether to purchase shares of a particular investment company within a complex, investors are influenced to a significant extent by the perceived benefits associated with becoming part of the complex. Thus, Applicants submit, it would be unfair to deprive shareholders of the Financial Funds of one of the benefits that may have influenced their decisions to invest in one of the funds in the complex. For this reason, Applicants assert that it is appropriate to grant the requested exemption and give recognition to the reliance the shareholders of the Financial Funds have placed upon their ability to obtain shares of investment companies distributed by Programs at no load.

In addition, Applicants state that the requested exemptive order is justified on the basis of the lower costs associated with selling shares to existing shareholders of the Financial Funds as compared to the costs of selling shares to new investors. According to Applicants, because shareholders of the Financial Funds are already familiar with the benefits, services and features associated with the investment companies distributed by Programs, little of those promotional expenses will be incurred in order to induce such shareholders to purchase shares of the Fund. Accordingly, Applicants submit that the Special Offer would not result in any unjust discrimination.

In this regard, Applicants further submit that permitting shareholders of the Financial Funds to purchase shares of the Fund at no load pursuant to the Special Offer would give recognition to the expectations of shareholders of the Financial Funds and thereby contribute to the viability of the complex by confirming the commitment of Programs to provide investors in the Fianacial Funds with the benefits they have been led to expect. In addition, Applicants assert that the Special Offer would be beneficial from the standpoint of promoting better relations between the Fund and a particular category of investors who provide a ready source of investment in the Fund (i.e., existing shareholders of the Financial Funds) and, as a result, could reasonably be expected to lead to increased investment in the Fund which would benefit the Fund and all of its shareholders by helping the Fund achieve certain economies of scale and benefits of size more rapidly than would otherwise be the case.

For the foregoing reasons, Applicants assert that the granting of the requested exemption to permit the Special Offer would be appropriate because the terms of the Special Offer reflect economies of distribution effort and do not unfairly discriminate against those investors who will be charged a sales load. In addition, Applicants state that the Special Offer will not disrupt the Fund's distribution system. Under the circumstances, Applicants submit, granting of the order requested herein would be appropriate in the public

interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 2, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commssion, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10033 Filed 4-14-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VII—Advisory Council Meeting; Public Meeting

The Small business Administration Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 a.m., on Friday, May 20, 1983, at Drake University Small Business Development Center, Aliber Hall, Dean's Conference room, Des Moines, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut, Room 749, Des Moines, Iowa 50309, (515)-284-4567.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 11, 1983.

FR Doc. 83-10132 Filed 4-14-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0163]

Venturtech Capital, Inc.; License Surrender

Notice is hereby given that Venturtech Capital, Inc., Republic Tower, Suite 220, 5700 Florida Boulevard, Baton Rouge, Louisiana 70806 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Venturtech Capital, Inc. was licensed by the Small Business Administration on May 31, 1973.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender was accepted on January 24, 1983, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59 011, Small Business Investment Companies)

Dated: April 11, 1983.

Edwin T. Holloway,

Asssociate Administrator for Finance and Investment..

[FR Doc. 83-10133 Filed 4-14-83; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; New and Revised Routine Use Statements and Changes Other Than Routine Use Statements

Notice is hereby give that the Veterans Administration is revising the paragraphs pertaining to system manager, categories of records in the system, and authority for maintenance of the system in the VA system of records entitled: Personnel and Accounting Pay—VA (27 VA 047) as set forth on page 673 of the **Federal Register** Publication, Privacy Act Issuance, 1980 Compilation, Volume V. The Veterans Administration is also revising a current use in this system of records, as well as creating four new routine uses for this system.

The paragraph pertaining to the system manager is being revised to reflect a recent reorganization of staff functions within the Veterans Administration Central Office. The paragraphs relating to categories of records in the system and the authority for maintenance of the system are also being revised to reflect information and use for the Veterans Administration's carpool and ridesharing program. Four new routine uses are being added to the system notice. Routine use No. 17 is being added in order to identify information disclosed from the PAID Master Records by the Employee Transportation Coordinator to employees in order to implement the agency's carpool and ridesharing program.

Routine uses No. 18 and No. 19 are being added for the following reasons. Questions have arisen regarding the authority under the Privacy Act of 1974 to permit disclosures from VA System of Records 27 VA 047 to respond to subpoenas from a Federal, State, or municipal court or a party in litigation or to respond to subpoenas issued by Federal, State, or municipal agencies functioning in a quasi-judicial capacity. In the past, the VA has interpreted "subpoena" to be within the meaning of subsection (b)(11) of the Privacy Act (5 U.S.C. 552a(b)(11)) which authorizes disclosures of finance records pursuant to an "order of a court of competent jurisdiction." However, due to recent court decisions which have held to the contary, the Office of Budget and Finance is establishing two new routine uses, No. 18 and No. 19, which concern the release of information pursuant to a subpoena from a Federal, State, or municipal grand jury; a Federal, State, or municipal court or a party in litigation; a Federal Agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducting by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

Routine use No. 20 is being added to permit the agency to disclose employee payroll information to the Department of Labor. The Department of Labor is conducting a computer matching program which will match employee records with various State unemployment benefit history files to determine whether these Federal employees have been properly drawing State benefits. These benefits are ultimately reimbursed to the State by the Federal government.

Finally, routine use No. 13 is revised by deleting the last sentence in order to remove any ambiguity pertaining to the disclosure of social security numbers. The revision of this routine use will clarify the release from the PAID Master Records of identifying wage information to State taxing authorities so that such information may be used to improve the administration of various State public assistance programs.

The authority for maintenance of the system is Title 38, United States Code, Section 210(c)(1).

The Privacy Act of 1974, 5 U.S.C. 552a(e), requires agencies to inform the public of any changes to their system or records. Interested persons are invited to submit comments, suggestions, or objections regarding the proposed amendments to the system of records to the Administrator of Veteran's Affairs (271A), Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420. All relevant material received before May 16, 1983 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 31, 1983.

If no public comment is received during the thirty day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the proposed amendments to the system of records included herein are effective May 16, 1983.

Dated: April 11, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Notice of System of Records

In the system identified as Personnel and Accounting Pay System—VA (27 VA 047) appearing at page 673 of the **Federal Register** Publication, Privacy Act Issuance, 1980 Compilation, Volume V, the system is revised as follows:

27 VA 047

SYSTEM NAME:

Personnel and Accounting Pay System—VA (27 VA 047).

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

PAID Master Records, Record of Salary Payments, Time and Attendance report file, Earnings and Leave Statement, Individual Retirement Record, Payroll Folder Files, Personnel Action Records and Basic Authorizations, Training and Incentive Awards Record, carpool and ridesharing program records (i.e., name, address, office location at the facility).

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutory provisions, Executive Order 12191 (45 FR 7997 (Feb. 6, 1980)) and other Executive Orders of the President, and rules and regulations of certain Federal regulatory departments and agencies.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To produce and maintain the personnel and payroll records, including reports and statistical data, of VA employees for use by Federal, State and local agencies and organizations authorized by law or regulation to have access to such information.

2. Transfer payroll information to complete payroll checks, bond deductions and withholding taxes to the Treasury Department in order to effect delivery of payroll checks and saving bonds to VA employees.

3. Transfer payroll information to the Social Security Administration in order to credit quarterly posting for social security.

4. Transfer withholding tax information to State and/or city governments to effect payment of taxes to city and/or State governments and to create W–2's.

5. Transfer retirement record information to the Civil Service Commission in order to provide a history of service and retirement deductions.

6. Transfer employee Payroll Folder File, Record of Salary Payments, and Time and Attendance reports to the National Archives and Records Service in order to provide a history of all salaries, deductions and time and leave.

7. Transfer unemployment compensation information to State agencies to compile unemployment compensation data.

8. Transfer personnel data to the Civil Service Commission in order to provide the Civil Service Commission with a readily accessible major data source for meeting work force information needs of the Commission, national planning agencies, the Congress, the White House and the public.

9. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

10. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

11. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevent and necessary to the requesting agency's decision on the matter.

12. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owned the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

13. To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provisions of State and/or local law.

14. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureau as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U.S. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89–508, 31 U.S.C. 951–953) and 4 CFR Parts 101–105.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

16. Disclosure may be made to NARS (National Archives and Records Service) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

17. The name and general geographic location where an employee resides (not specific home address) may be disclosed by the facility Employee Transportation Coordinator to other employees in order to promote the car/vanpooling and ridesharing program established in accordance with Executive Order 12191 and to enable the VA to verify membership in car and vanpools.

18. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

19. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena.

20. The name of the employee, social security number, beginning and ending pay period dates, the number of hours worked during a given pay period, the gross salary and duty station information may be disclosed to the Department of Labor (DOL) Inspector General's office (IG) in order for the DOL IG to conduct a computer match of these records with various state unemployment benefit files. The purpose of this computer matching program will be to determine if Federal employees have been properly drawing state unemployment benefit payments. These payments are ultimately reimbursed to the state by the Federal Government.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Administrator for Budget and Finance (04), VA Central Office, Washington, D.C. 20420.

[FR Doc. 83-10095 filed 4-14-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Equal Employment Opportunity Commission	1
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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 19, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote(s).
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-2-FOIA-19-CL, concerning a request for materials in a closed age discrimination charge file.
4. Freedom of Information Act Appeal No. 83-1-FOIA-004-IN, concerning a request for documents from a closed Title VII and ADEA file.
5. Freedom of Information Act Appeal No. 83-2-FOIA-3-LA, concerning a request for documents from a Title VII charge file.
6. Freedom of Information Act Appeal No. 83-02-FOIA-019-MK, concerning copies of deliberative documents in a charge file.
7. Freedom of Information Act Appeal No. 83-01-FOIA-2-CH, concerning a request for copies of conciliation materials, deliberative documents and personnel information from a charge file.
8. Freedom of Information Act Appeal No. 83-1-FOIA-1-LA, concerning a request for materials pertaining to a Commissioner's Charge.
9. EEOC's 17th Annual Report.
10. Proposed Field Redelegation Regulations.
11. Proposed FOIA Fee Schedule Change.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Briefings on Withdrawal of Certain Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission (202) 634-6748.

This Notice Issued April 12, 1983.

[S-531-83 Filed 4-13-83; 11:08 am]

BILLING CODE 6570-06-M

2

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (48 FR 15763, April 12, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 13, 1983.

CHANGE IN THE MEETING: The following items have been added to the agenda of April 13, 1983.

Item No. Docket No., and Company

CAG-33: TAB 3-2-7-000, *et al.*, Southern Natural Gas Company
RP-3: RP82-74-005, Texas Gas Transmission Corporation

Kenneth F. Plumb,

Secretary.

[S-530-83 Filed 4-13-83; 11:00 am]

BILLING CODE 6717-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, April 20, 1983.

PLACE: Board Room, six floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Membership and Insurance of Accounts—Grand Savings and Loan Association, Dallas, Texas (A New Stock Association)

[No. 32, April 13, 1983]

[S-533-83 Filed 4-13-83; 2:35 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:30 a.m., April 15, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Discussion of Fifty-Mile Container Rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-532-83 Filed 4-13-83; 11:20 am]

BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, April 20, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revisions of labor relations policies for Federal Reserve System employees.
2. Personnel actions (appointment, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 13, 1983.

James McAfee,

Associate Secretary of the Board.

[S-529-83 Filed 4-13-83; 10:43 am]

BILLING CODE 6210-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-17A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15564, April 11, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 20, 1983.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigation 337–TA–132 (Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof)—briefing and vote on review of initial determination denying temporary relief.

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, and Haggart determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–535–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

7

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–18]

TIME AND DATE: 2:30 p.m., Monday, April 25, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigations 731–TA–127, –128, and –129 (Preliminary) (Thin Sheet Glass from Switzerland, Belgium, and the Federal Republic of Germany)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–536–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

8

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–19]

TIME AND DATE: 9:30 a.m., Wednesday, April 27, 1983.

PLACE: Room 331, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and complaints:
   a. Papermaking machinery (Docket No. 928).
2. Investigation TA–201–48 (Stainless Steel and Alloy Tool Steel)—briefing and vote on remedy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–534–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 18, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, April 19:*

10:00 a.m.:
Briefing on Proposed Revision to 10 CFR Part 35 "Human Use of Byproduct Material" (Public Meeting)

2:00 p.m.:
Briefing on Systems Interaction (Public Meeting)

Wednesday, April 20:

10:00 a.m.:
Discussion of NECNP v. NRC (Elimination of Financial Qualification Review) (Closed—Exemption 10)

2:00 p.m.:
Briefing on Indian Point Exercise (Public Meeting)

Thursday, April 21:

4:00 p.m:
Affirmation/Discussion and Vote (Public Meeting):
a. Review of ALAB–701—In the Matter of Philadelphia Electric Co., *et al.*

Friday, April 22:

10:00 a.m.:
Discussion/Possible Vote on Immediate Effectiveness of LWA–1 Authorization for Clinch River Breeder Reactor (Closed—Exemption 10)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634–1410.

April 12, 1983.

Linda Stoloff,

Office of the Secretary.

[S–537–83 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15216, April 7, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 4, 1983

CHANGES IN THE MEETING: Additional items. The following additional items were considered at a closed meeting scheduled for Tuesday, April 12, 1983, at 10 a.m.:

Consideration of *amici* participation

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

April 12, 1983.

[S–538–83 Filed 4–13–83; 3:58 pm]

BILLING CODE 8010–01–M

federal register

Friday
April 15, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA82-5112	July 16, 1982.
CA82-5120	Aug. 27, 1982.
Colorado:	
CO82-5127	Nov. 5, 1982.
CO82-5103	Feb. 12, 1982.
CO82-5107	Apr. 9, 1982.
Indiana:	
IN80-2059	Aug. 1, 1980.
Michigan:	
MI82-2042	July 9, 1982.
MI83-2006	Feb. 11, 1983.
New York:	
NY83-3003	Mar. 25, 1983.
NY81-3023	Apr. 3, 1981.
NY80-3054	Sept. 5, 1980.
NY81-3039	Apr. 4, 1980.
Pennsylvania:	
PA82-3007	Feb. 26, 1982.
Utah:	
UT83-5108	Mar. 25, 1983.
West Virginia:	
WV83-3000	Mar. 11, 1983.
WV82-3002	Oct. 29, 1982.

Supersedes Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded:

Florida:	
FL82-1003 (FL83-1021)	Feb. 19, 1982.
FL82-1004 (FL83-1022)	Do.
FL78-1025 (FL83-1023)	Mar. 24, 1978.
FL81-1135 (FL83-1024)	May 22, 1981.
Illinois:	
IL81-2054 (IL83-2036)	Aug. 21, 1981.
Kansas:	
KS82-4009 (KS83-4028)	Mar. 26, 1982.
KS82-4010 (KS83-4029)	Mar. 15, 1982.
KS82-4011 (KS-4030)	Do.
Kentucky:	
KY81-1309 (KY83-1020)	Oct. 30, 1981.
KY-81-1292 (KY83-1025)	Sept. 25, 1981.
KY-1312 (KY83-1026)	Nov. 13, 1981.
KY82-1025 (KY83-1027)	Apr. 2, 1982.
Maine:	
ME80-2069 (ME83-3007)	Aug. 15, 1980.
ME80-2009 (ME83-3008)	Mar. 14, 1980.
New Mexico:	
NM83-4016 (NM83-4032)	Jan. 28, 1983.
Oklahoma:	
OK82-4006 (OK83-4031)	Mar. 19, 1982.

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

MD80–3042—Cecil County, Maryland dated August 29, 1980 in 45 FR 57924—Heavy Construction.

Signed at Washington, D.C., this 8th day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CA82-5112 - Mod. #11
(47 FR 31154 - July 16, 1982)

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 5	$17.47	$3.53
Electricians:		
Area 8:		
Electricians	18.70	3.71+ 3%
Cable Splicers	20.57	3.71+ 3%
Area 15:		
Electricians	23.00	5.42+ 3%
Line Construction:		
Area 2 - Zone A:		
Group 1	22.33	2.75+ 3½%
Group 2	20.41	2.75+ 3½%
Group 3*	16.23	2.75+ 3½%
Group 4	17.91	2.05+ 3½%
Group 5	15.96	2.05+ 3½%
Group 6*	13.56	2.05+ 3½%
Group 7	15.14	2.05+ 3½%
Zone Differential - add to Zone A rate:		
Zone B - $0.75		
Zone C - 1.50		
Zone D - 2.75		
*Groups 3 and 6 receive No Zone Differential		
Zone Definitions:		
Zone A: 0 to 20 miles radius from geographical center of Yreka and Alturos, California		
Zone B: 20 to 35 miles radius		
Zone C: 35 to 50 miles radius		
Zone D: Over 50 miles radius		
Area 3:		
Groundman	$17.88	$3.71+ 3%
Linemen; Line Equipment Operator	18.70	3.71+ 3%
Painters:		
Area 4:		
Brush	20.58	4.18
Brush (Monterey and Santa Cruz Counties)	20.08	4.18
Tapers	21.38	4.18
Area 8:		
Brush	19.79	5.38
Spray	20.29	5.38
Spray (coating) and Paperhangers	20.54	5.38
Tapers (paint)	20.18	5.38
Roofers:		
Area 4	14.80	3.10
Soft Floor Layers:		
Area 3	19.42	3.93
Tile Setters:		
Area 2	18.02	3.14
Area 4	20.51	3.69
Add:		
Laborers:		
Group 4: Brick Cleaners; Lumber Cleaners; and Landscape Workers	8.00	5.11

Modification Page 2

DECISION NO. CA82-5120 - Mod. #9
(47 FR 38022 - August 27, 1982)

Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 5	$17.47	$3.53
Electricians:		
Area 13:		
Electricians	23.00	5.42+ 3%
Painters:		
Area 3:		
Brush	20.58	4.18
Brush (Monterey and Santa Cruz Counties)	20.08	4.18
Tapers	21.38	4.18
Area 7:		
Brush	19.79	5.38
Spray	20.29	5.38
Spray (coating) and Paperhangers	20.54	5.38
Tapers (paint)	20.18	5.38
Soft Floor Layers:		
Area 3	19.42	3.93
Tile Setters:		
Area 2	18.02	3.14
Area 4	20.51	2.69
Add:		
Laborers:		
Group 4: Brick Cleaners; Lumber Cleaners; and Landscape Workers	8.00	5.11

DECISION NO. CO82-5127 - Mod. #4
(47 FR 50418 - November 5, 1982)

Las Animas, Otero, and Pueblo Counties, Colorado

	Basic Hourly Rates	Basic Hourly Rates
Change:	Zone 1	Zone 2
Laborers:		
Group 1	$ 9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Fringe Benefits: $2.69		

DECISION CO82-5127 (Contd)

	Basic Hourly Rates	Basic Hourly Rate
Power Equipment Operators:		
(Other than for work in Tunnels, Shafts, and Raises):		
Group 1	13.40	14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

DECISION NO. CO82-5103 - Mod. #11
(47 FR 6549 - February 12, 1982)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado

	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2
Change:		
Laborers:		
Group 1	$ 9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Fringe Benefits: $2.69		
Power Equipment Operators: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	13.40	14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

DECISION NO. CO82-5107 - Mod. #5
(47 FR 15491 - April 9, 1982)
Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2
Change:		
Power Equipment Operators: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	$13.40	$14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

DECISION #IN80-2059
(45 FR 51401 - August 1, 1980) Mod #3
BROWN, CLARK, CRAWFORD, DEARBORN, DECATUR, FAYETTE, FLOYD, FRANKLIN, HARRISON, HENRY, JACKSON, JEFFERSON, JENNINGS, LAWRENCE, OHIO, ORANGE, RANDOLPH, RIPLEY, RUSH, SCOTT, SWITZERLAND, UNION, WASHINGTON & WAYNE COS. INDIANA

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Randolph & Wayne Cos.	$17.11	2.48
BOILERMAKERS:		
Brown, Crawford, Decatur, Fayette, Franklin Henry, Jackson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Union, Washington & Wayne	18.83	3.405
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:		
Fayette, Franklin, Rush, Union & Wayne	13.95	2.56
CARPENTERS: MILLWRIGHTS; PILEDRIVERMEN: & SOFT FLOOR LAYERS:		
Fayette, Henry, Randolph, Rush (Carthage), Union & Wayne;		
Carpenters, Soft Floor Layers	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS; PLASTERERS:		
Decatur, Fayette, Franklin (Northern part to & including Brookville) Rush, Union, & Wayne:		
Cement Masons	$12.45	1.80
Plasterers	13.65	1.33
ELECTRICIANS:		
Fayette, Franklin, Henry, Randolph, Union & Wayne	16.30	2.80 + 3.2%
ELEVATOR CONSTRUCTORS:		
Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland & Wayne	15.65	2.43+ a&b
GLAZIERS;		
Brown, Decatur (NW. of a line from the NE. Co. corner thru Mechanicsburg to the S. Co. line; Fayette (N. of 44 to 121 & W. of 121); Franklin (N. of a line from Buena Vista to Corneraville); Henry; Jackson (N. of a line from a point on the E. Co. line 8 mi. S. of the N. Co. line to Brownstown & from there N. of 50); Jennings (NW. of a line from a point on the N. Co. line 4 mi E. of the E. Co. line to N. Vernon & from N. Vernon N. of 50 to the W. Co. line). Lawrence (N. of 50 to Bedford & N. of Bedford to Springville to the W. Co. line)		

DECISION #IN80-2059 Mod. #3

	Basic Hourly Rates	Fringe Benefits
GLAZIERS (Cont.)		
Randolph (W. of a line drawn from N. to S. thru Harrisville); Rush; Union (N. of 44 & W. of Kitchell); & Wayne (W. of a line N. to S. thru Chester)	$18.00	
Dearborn; Decatur (Rem. of Co.); Fayette (Rem. of Co.); Franklin (Rem. of Co.); Jefferson (E 1/2); Jennings (Rem. of Co.); Ohio; Randolph (Rem. of Co.); Ripley; Switzerland; Union (Rem. of Co.); & Wayne (Rem. of Co.)	14.10	.61
IRONWORKERS:		
Fayette (Rem. of Co.); Randolph (S. part including Union City but excluding Winchester); Union (N2/3); & Wayne	16.26	2.95
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS:		
Fayette, Franklin, Rush, Union & Wayne:		
Tile Setters	13.70	2.56
MARBLE SETTERS' FINISHERS; TILE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS:		
Brown, Fayette, Franklin, Henry, Jackson Jennings, Randolph, Rush, Union & Wayne		
Marble & Tile Setters' Finishers	14.86	
Terrazzo Workers' Finishers	12.60	
PAINTERS:		
Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne		
Brush	12.55	1.75
Sandblasting & Spray	13.55	1.75
Scaffold over 30ft., Structural Steel,		
Stage & Spray Tenders	13.55	1.75
ROOFERS:		
Fayette, Henry, Randolph & Wayne;	13.10	1.35
SHEET METAL WORKERS:		
Randolph & Wayne	16.22	2.94 + 3%
SPRINKLER FITTERS:	16.67	2.83
LABORERS:		
Fayette, Henry, Randolph, Rush, Union & Wayne:		
Group I	11.23	1.94
Group II	11.43	1.94
Group III	11.53	1.94
Group IV	12.23	1.94
POWER EQUIPMENT OPERATORS		
Fayette, Henry, Randolph, Rush, Union & Wayne		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20

DECISION #WI83-2002 - Mod. #2 (47 FR 29976 - July 9, 1982) Statewide, Michigan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers:		
Zone 3	$15.40	4.56
Zone 4	17.75	3.44
Zone 5		
Reinforcing	13.53	7.98 + 38.6%
Line Construction:		
Zone 1 - Change fringe benefits only to		2.05 + 11%
Sign Installers:		
Footnote 'b' - $99.50 per week per employee.		
Truck Drivers:		
Underground Construction:		
Zones 1, 2, 3, & 5		
Footnote 'd' - $99.50 per employee per week.		

DECISION #WI83-2003 - Mod. #1 (48 FR 5456 - February 11, 1983) Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, & Schoolcraft Counties, Michigan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Linemen - technicians	$15.00	8.3% + b + .65
Cable splicers	15.61	"
Combination digger operator - tractor operator groundman	11.68	"
Light equipment operator groundman; distribution line truck driver operator groundman	10.25	"
Combination winch truck driver groundman	9.77	"
Combination truck driver groundman, & groundman	8.27	"
Sprinkler fitters	16.67	2.83

DECISION NO. NY83-3003 - MOD. #1 (48 FR 12647 - March 25, 1983) ONONDAGA, NEW YORK	Basic Hourly Rates	Fringe Benefits
ADD:		
PLUMBERS	15.39	3.28
CHANGE:		
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Group I	15.19	3.60+a
Group II	14.69	3.60+a
Group III	13.26	3.60+a
Group IV	12.00	3.60+a

DECISION NO. NY81-3023 - MOD. #3	Basic Hourly Rates	Fringe Benefits
(46 FR 20432 - April 3, 1981)		
SAINT LAWRENCE, NEW YORK		
CHANGE:		
ASBESTOS WORKERS	16.33	3.09
BOILERMAKERS	18.25	3.39
BRICKLAYERS:		
Bricklayers, Cement masons, Marble setters, Plasterers, Stone masons, Tile and Terrazzo	14.51	1.42
CARPENTERS:		
Carpenters	14.02	1.755+a
Millwrights	14.27	1.755+a
Piledrivers	14.17	1.755+a
Heavy & Highway	13.12	1.775
CEMENT MASONS, HEAVY & HIGHWAY	13.02	1.40
ELECTRICIANS:		
Electricians	15.00	2.80+11%
Cable Splicers	14.13	2.80+11%
GLAZIERS (Except twps of Brasher, Hopkinton, Lawrence, Pierrefield)	11.95	.61
IRONWORKERS:		
Structural, Ornamental, Reinforcing, Machinery movers, Riggers, Fence erectors, and Stone derrickmen	15.22	2.71
Sheeters	15.47	2.71
Sheeters, bucker-up	15.34	2.71
LABORERS, BUILDING:		
Common laborers	11.07	2.00
Rock drilling	11.47	2.00
Blasters	11.67	2.00
Chain saw, Pavement breaker, Mortar mixer, Scaffold builder, pipelayer, Vibrator, Gas buggy, Air or electric tool, Plasterer tender, Sandblaster on construction, clean-up, Potliners, Acetylene torch on demolition work	11.27	2.00
PAINTERS (Except twps. of Brasher, Hopkinton, Lawrence, Pierrefield):		
Brush, Roller, Seamless floor application	11.71	1.60
Paper hanging, Paper removal, Wall covering, Cork, Taping	11.96	1.60
Swing stage, Window jacks, Cup spray, steam cleaning, Hydro water blasting	12.06	1.60
Bosun's chair, Sandblasting, Steel painting	12.41	1.60
Airless spray	12.21	1.60
Steel spray	12.91	1.60
LABORERS, HEAVY & HIGHWAY		
Class A	10.69	2.00+b
Class B	10.89	2.00+b
Class C	11.09	2.00+b
Class D	11.29	2.00+b
PLUMBERS & STEAMFITTERS	14.95	1.92
Service and repair jobs which do not exceed in the aggregate for all plumbing and HVAC labor and/or materials the sum of $120,000	8.55	1.92
POWER EQUIPMENT OPERATORS (BUILDING):		
Class 1	15.29	3.25+c
Class 2	14.29	3.25+c
Class 3	12.95	3.24+c
Class 4	16.60	3.25+c
Class 5	15.79	3.25+c
Class 6	17.29	3.25+c
Class 7	16.29	3.25+c
Class 8	15.79	3.25+c
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY)		
Group 1	15.19	3.60+b
Group 2	14.69	3.60+b
Group 3	13.26	3.60+b
Group 4	12.00	3.60+b

DECISION NO. NY81-3023 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	16.92	2.73
TRUCK DRIVERS (HEAVY & HIGHWAY):		
Class 1	11.50	2.19+d
Class 2	11.55	2.19+d
Class 3	11.60	2.19+d
Class 4	11.75	2.19+d
Class 5	11.90	2.19+d

FOOTNOTES:

a. Paid holidays: B,C, and E, providing the employee has been on the payroll the calendar week preceeding the holiday and works the day after the holiday.

b. Paid holidays: A through F, provided the employee works the day before and the day after the holiday.

c. Paid holidays: A through F, provided the employee has worked 5 consecutive working days before and the working day after the holiday.

d. Paid holidays: A through F, provided the employee has worked the working day before and after the holiday.

DECISION NO. NY81-3023 - [CONT'D]

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhean Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.

DECISION NO. NY80-3054 - MOD. #5 (45 FR 59104 - Sept. 5, 1980) JEFFERSON CO., NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Heading in Federal Register published on July 16, 1982 to read "MOD. #4"		
ASBESTOS WORKERS	16.33	3.09
BOILERMAKERS	18.25	3.39
BRICKLAYERS	15.54	1.81
CARPENTERS:		
Carpenters	14.02	1.755+a
Millwrights	14.27	1.755+a
Heavy & Highway	13.12	1.775
CEMENT MASONS (Heavy & Highway)	12.49	1.40
ELECTRICIANS	15.00	2.80+ 11%
GLAZIERS	11.95	.61
IRONWORKERS:		
Antwerp, Philadelphia, Leray, Wilna & Champion	15.22	2.71
LABORERS (Heavy & Highway)		
Class A	10.69	2.00+a
Class B	10.89	2.00+a
Class C	11.09	2.00+a
Class D	11.29	2.00+a
PLUMBERS & STEAMFITTERS	14.95	1.92
POWER EQUIPMENT OPERATORS (Heavy & Highway):		
Group 1	15.19	3.60+a
Group 2	14.69	3.60+a
Group 3	13.26	3.60+a
Group 4	12.00	3.60+a
SPRINKLER FITTERS	16.92	2.73
TRUCK DRIVERS (Heavy & Highway):		
Class 1	11.50	2.19+a
Class 2	11.55	2.19+a
Class 3	11.60	2.19+a
Class 4	11.75	2.19+a
Class 5	11.90	2.19+a

Basic Hourly Rates	Fringe Benefits

DECISION NO. NY80-3054 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a

	Basic Hourly Rates	Fringe Benefits
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence day, Labor Day, Thanksgiving Day, Chirstmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.

DECISION NO. NY81-3039 - MOD. #6 (45 FR 23264 - APRIL 4, 1980) MONROE COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	16.26	2.94
BOILERMAKERS	16.20	3.67
CARPENTERS		
Building	14.22	3.44
Heavy & Highway	11.48	3.415+a
Softfloor Layers	14.04	2.09
Millwrights & Piledrivers	13.63	4.57
ELEVATOR CONSTRUCTORS		
Elevator Constructor	16.69	2.69+b +c
Elevator Constructor Helper	11.68	2.69+b +c
GLAZIERS	13.33	2.86
IRONWORKERS		
Structural, Ornamental, Rodman, Machinery Mover, Rigger, Fence Erector, Reinforcing, Stone Derrickmen, Precast Concrete Erector, welder	15.68	2.55
Sheeter	15.93	2.55
Sheet-Bucker-up	15.81	2.55
PLUMBER & STEAMFITTERS	16.58	5.085+d
SHEET METAL WORKERS	16.37	3.12
SPRINKLER FITTERS	16.92	2.83
LABORERS, BUILDING:		
Common Laborers	10.80	4.32
Blasters	12.17	4.32
Powder Monkey	11.67	4.32
Air Track Drill Asphalt Rakers and Wagon Drill	11.20	4.32
Chuck Tender, all work on hanging or swinging scaffold, work at heights outside the building where safety lines or belts are required, and Bosun Chair	11.60	4.32
Jackhammers, Paving Breakers, Mortar Mixers, Concrete Vibrators Barco Tampers, and Jumping Jacks	11.10	4.32
Pipelayers, Cutters for wrecking and demolition work, burners	11.10	4.32
Concrete Vibrator for Archetectural Concrete	11.30	4.32
New Chimney Works:		
From base to 100'	11.80	4.32
From 100' to 150'	12.05	4.32
From 150' to 200'	12.30	4.32
From 200' to 250'	12.55	4.32
From 250' and up	12.80	4.32
Heavy Highway		
Class A	9.25	3.79+a
Class B	9.45	3.79+a
Class C	9.65	3.79+a
Class D	9.88	3.79+a

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DECISION NO. NY81-3039 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION		
Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for Governor of New York State, provided the employee works the day before or the day after a holiday.

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DECISION NO. NY81-3039 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS		
BUILDING		
Class I		
A	14.85	3.15+a
B	15.10	3.15+a
C	15.35	3.15+a
D	15.60	3.15+a
E	17.10	3.15+a
F	17.60	3.15+a
G	18.10	3.15+a
H	18.60	3.15+a
Class II	14.85	3.15+a
Class III	14.45	3.15+a
Class IV	13.08	3.15+a
Class V	10.76	3.15+a
Class VI	10.16	3.15+a
Heavy Highway		
Master Mechanic	16.15	3.55+a
Class A	15.24	3.55+a
Class B	14.74	3.55+a
Class C	13.31	3.55+a
Class D	12.05	3.55+a
TRUCK DRIVERS		
Heavy Highway		
Class I	11.14	2.55+a
Class II	11.19	2.55+a
Class III	11.24	2.55+a
Class IV	11.39	2.55+a
Class V	11.54	2.55+a

DECISION NO. PA82-3007
MOD. NO. 9
(47 FR 8529 - February 26, 1982)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers:		
All Other Work Zone 2	$14.95	5.26
Roofers:		
Residential structure of not more than 4 stories Re-roofing Zone 1	12.80	2.10
OMIT:		
SHEET METAL WORKERS: ORIGINALLY ISSUED IN THEIR ENTIRETY		
ADD:		
SHEET METAL WORKERS TO READ: BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES IN THEIR ENTIRETY	17.18	4.04

DECISION NO. UT83-5108 - Mod. #2
(48 FR 12651 - March 25, 1983)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Heavy and Highway Construction:		
Fringe Benefits ONLY		$1.69

DECISION NO. WV83-3000
MOD. NO. 2
(48 FR 10585 - March 11, 1983)
Statewide, West Virginia

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
AREA 5		
Wiremen	$18.00	4%
AREA 11		
Wiremen	14.60	2.30+ 3-3/4%
AREA 12		
Wiremen	14.60	2.30+ 3-3/4%
AREA 13		
Wiremen	15.60	2.30+ 3-3/4%
AREA 19		
Putnam County		
Wiremen	19.09	.79+8%
AREA 20		
Boone, Clay, Fayette, Raleigh, Boone County & Montgomery Township		
Wiremen	19.34	.79+8%
Cable splicers	21.27	.79+8%
LINE CONSTRUCTION:		
AREA 6		
Linemen & operators (all mechanized equipment)	18.00	4½%
Cable splicers	18.50	4½%
Groundmen	11.70	4½%
AREA 8		
Linemen	14.60	2.30+ 3%
Equipment operators	13.87	2.30+ 3%
Truck drivers & groundmen	9.49	2.30+ 3%
AREA 9		
Linemen	14.60	2.30+ 3%
Equipment operators	13.87	2.30+ 3%
Truck drivers & groundmen	9.49	2.30+ 3%
AREA 11		
Linemen, cable splicers & equipment operators	17.66	.70+8%
Truck with winch, pole or steel handling	9.34	.70+8%
Groundmen	9.06	.70+8%
AREA 14		
Linemen	13.85	.70+3½%
Cable splicers	13.85	.70+3½%
Equipment operators	11.94	.70+3½%
Trucks with earth boring auger	9.61	.70+8%
Truck with winch, groundmen	7.76	.70+8%
ADD:		
Ironworkers:		
Jefferson County	14.47	3.05
Painters:		
AREA 9		
Berkeley & Jefferson Cos.)		
Brush	13.30	2.29
Steel & Spray	14.05	2.29

DECISION NO. WV82-3002
MOD. NO. 1
(47 FR 49220 - October 29, 1982)
Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers		
Area 1	$15.75	2.79
Area 2	15.78	3.99
Electricians:		
Brooke (Remainder of County) and Hancock (except Grant Twp.) Counties		
Wiremen	18.00	4%
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Cos.		
Wiremen	13.60	.75+ 3½%
Cable splicers	14.00	.75+ 3½%
LINE CONSTRUCTION:		
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties:		
Linemen	13.85	.70+ 3½%
Cable Splicers	13.85	.70+ 3½%
Equipment Operators	11.94	.70+ 3½%
Truck with earth boring auger	9.61	.70+ 3½%
Truck with winch & groundmen	7.76	.70+ 3½%
Hardy & Pendleton Cos.:		
Linemen, Cable Splicers	17.66	.70+8%
Equipment Operators	17.66	.70+8%
Truck with winch, pole or steel handling	9.34	.70+8%
Groundmen	9.06	.70+8%
Raleigh (except Clear Fork and Marsh Fork Twps.):		
Linemen & Equipment ops.	15.87	2.14+ 3%
Cable Splicer	16.17	2.14+ 3%
LINE CONSTRUCTION (CONT'D)		
Raleigh (except Clear Fork and Marsh Fork Twps.):		
Groungmen and Truck Drivers	12.70	2.14+ 3%
Summers & Wyoming Cos:		
Linemen & Equipment Operators	16.37	2.14+ 3%
Cable Splicers	16.67	2.14+ 3%
Groundmen and Truck Drivers	13.10	2.14+ 3%
Fayette County (except Falls and Kanawha Townships):		
Linemen & Equipment Ops.	16.17	2.14+ 3½%
Cable Splicers	16.47	2.14+ 3½%
Groundmen and Truck Drivers	12.94	2.14+ 3½%
Brooke (except Buffalo Twp.) & Hancock (except Grant Twp. Counties:		
Linemen & Equipment Op.	18.00	4½%
Cable Splicers	18.50	4½%
Groundmen	11.70	4½%
Boone, Braxton, Cabell, Calhoun, Clay, Fayette, (Falls and Kanawha Twps. only), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twps. only Boone, Wayne & Webster Counties:		
Linemen	18.31	2.20+ 3½%
Cable Splicers	20.14	2.20+ 3½%
Groundmen	11.90	2.20+ 3½%
Mechanized Equipment Operators	14.65	2.20+ 3½%

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NO.: FL83-1021
COUNTIES: MARTIN & PALM BEACH
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL82-1003 dated February 19, 1982 in 47 FR 7594.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.23	2.45
BOILERMAKERS	17.20	3.315
BRICKLAYERS: Bricklayers, Cement Masons, Marble Setters, Plasterers, Stonemasons, Tile & Terrazzo Workers	13.95	1.39
CARPENTERS & SOFT FLOOR LAYERS	13.30	1.53
ELECTRICIANS:		
Wireman	15.63	21%
Cable Splicers	17.19	21%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.865	2.69 + a
Helpers	11.105	2.69 + a
GLAZIERS	10.24	.95
IRONWORKERS	13.70	2.48
LABORERS:		
a.Permit Value $500,000 & over:		
Air Tool Oper.,Mason Tenders,Mortar Mixers, & Pipelayers	8.75	1.58
Plasterers Tenders	8.93	1.58
Unskilled Laborers	8.65	1.58
b.Permit Value up to $500,000		
Air Tool Oper.,Mason Tenders,Mortar Mixers, Pipelayers	7.05	1.58
Plasterers Tenders	7.23	1.58
Unskilled Laborers	6.95	1.58
LATHERS	9.73	.125
LINEMEN:		
Heavy Equipment Operators & Linemen	16.04	.45 + 9.75%
Winch Truck Operator	12.76	.45 + 9.75%
Cable Splicers	16.34	.45 + 9.75%
Truck Drivers	10.31	.45 + 9.75%
Groundmen	8.52	.45 + 9.75%
MILLWRIGHTS	14.02	2.10
PAINTERS:		
Brush	10.53	1.55
Paperhanger,Roller	10.78	1.55
Spray,Taper	11.03	1.55
PILEDRIVERS	14.10	2.45
PLUMBERS:		
a.Commercial-51 or more plbg. fixtures,w/41 or more tons	$13.97	2.40
b.Commercial-50 or less plbg. fixtures,w/40 or less tons A/C.	12.65	2.40
c.Industrial-All manufacturing & processing plants	18.61	2.40
ROOFERS:		
Roofers	12.90	.915
Pot Firemen/Mod Mixers	9.03	.915
SHEET METAL WORKERS	13.95	1.68
SPRINKLER FITTERS	15.00	2.88
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group I	15.00	1.96
Group II	14.85	1.96
Group III	14.35	1.96
Group IV	13.90	1.96
Group V	13.75	1.96
Group VI	13.40	1.96
Group VII	13.15	1.96
Group VIII	13.05	1.96
Group IX	12.10	1.96

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

FOOTNOTE: a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for Employeee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for Employee who has worked in business less than 5 years.

POWER EQUIPMENT OPERATORS--Classification Definitions:

Group I-All tower cranes(must have 2 operators;mobile,rail,climbers, static mount),cranes with boom length 250 ft. & over(with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons, but not more than 50 tons, finish grader.

Group II-All cranes with boom length 150 ft and over (with or without jib: friction, hydro, electric, or otherwise), cranes 150 tons & over with boom length less than 250 ft., gantry & overhead cranes.

Group III-Cranes with boom length less than 150 ft (with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes,clam shell, shovel, backhoe, gradall, dragline, piledriver,drilling of piling, tugger (all types), mechanic, sideboom, or tractor boom, concrete mixer, cableway.

Group IV-Boring & Drilling Machine,concrete pumping machine (all types), batching plant (on job sites), inside elevator, forklift(with vertical lift of over 20 ft).

Group V-Locomotive operator,motor mixing pump (all types),winch truck, A-frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift

Group VI-Trenching & ditching machine, roller, fireman, distributor, (bituminous), finish machine (paving), wellpoint system(installation & or operation), siphon, vacuum pump, tractor,conveyor.

Group VII-Utility Operator (any combination of equipment up to and including 4 pieces of equipment listed in Group VIII), welding machines (3-4).

Group VIII-Pump(s) or any combination over 2 1/2 inch, compressors or any combination over 125 CFM, generator (s) or any combination over 5 KW.

Group IX-Oiler, fuel truck driver, mechanical helper, boom hauling truck driver, lowboy truck driver.

STATE: FLORIDA COUNTY: PINELLAS
DECISION NUMBER: FL83-1022 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL82-1004 dated February 19, 1982 in 47 FR 7595.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING &HEATING MECHANICS	$14.35	2.13
BRICKLAYERS/BLOCKLAYERS	13.60	1.90
CARPENTERS	6.56	
CEMENT MASONS	6.30	
ELECTRICIANS	6.27	
ELEVATOR CONSTRUCTORS	9.785	
GLAZIERS	6.13	
IRONWORKERS	6.36	
LABORERS	4.26	
LATHERS	7.36	
PAINTERS	5.26	
PLASTERERS	8.76	
PLUMBERS & PIPEFITTERS	14.35	2.13
ROOFERS	4.32	
SHEET METAL WORKERS	5.81	
SOFT FLOOR LAYERS	5.25	
SPRINKLER FITTERS	$15.00	2.88
TILE SETTERS	6.79	
WELDERS-Rate per craft		
POWER EQUIPMENT OPERATORS:		
Backhoe	5.00	
Bulldozer	5.25	
Compactor	9.185	1.225
Crane	10.89	1.30
Grader	4.79	
Piledriver	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

STATE: FLORIDA COUNTIES: CLAY,FLAGLER,PUTNAM, & ST. JOHNS
DECISION NUMBER: FL83-1023 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL78-1025 dated March 24, 1978 in 43 FR 12527.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	$ 6.50	
ASBESTOS WORKERS	10.99	1.08
BRICKLAYERS	8.00	
CARPENTERS	6.00	
CEMENT MASONS	7.00	
ELECTRICIANS:		
1)Clay & St. Johns Counties	9.25	2.09
2)Flagler County:		+ 3%
Electrical contracts under $100,000	7.50	.93+3.1 %
Electrical contracts over $100,000	8.74	
3)Putnam County	9.05	.35+3.1 %
GLAZIERS	8.00	.21
IRONWORKERS	4.50	
LABORERS:		
Mason Tenders	3.50	
Pipelayers	5.00	
Plasterers Tenders	5.55	
Unskilled	3.45	
LATHERS	7.85	.375
PAINTERS	5.50	
PLASTERERS	7.33	.70
PLUMBERS	8.52	
ROOFERS	6.95	
SHEET METAL WORKERS	$ 6.87	
TILE & TERRAZZO WORKERS	7.00	
TILE & TERRAZZO FINISHERS	4.00	
TRUCK DRIVERS	3.91	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	4.20	
Backhoe	5.50	
Bulldozer	5.00	
Crane	5.00	
Concrete Pump	4.25	
Motor Grader	6.00	
Oiler	4.00	
Scraper	4.50	
Tractor	4.49	
Trenching Machine	4.25	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: ALACHUA
DECISION NO.: FL83-1024 DATE: DATE OF PUBLICATION
Supersedes Decision No: FL81-1135 dated May 22, 1981 in 46 FR 28099.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family home or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$12.93	1.83
BOILERMAKERS	16.20	3.315
BRICKLAYERS	9.00	
CARPENTERS, PILDRIVERMEN, & SOFT FLOOR LAYERS	11.32	1.58
CEMENT MASONS	6.00	
ELECTRICIANS	8.44	
ELEVATOR MECHANICS:		
Mechanics	11.29	2.18+ a+b
Helpers	7.90	2.18+ a+b
GLAZIERS	8.16	
IRONWORKERS	11.65	1.63
LABORERS	4.36	
LATHERS	8.25	
MILLWRIGHTS	12.67	1.50
PAINTERS:		
Commercial:		
Work over 15,000sq.ft. --Brush & Roller	9.25	1.18
Work under 15,000s.f. --Brush & Roller	7.80	1.18
Industrial:		
Brush & Roller	10.85	1.18
PLASTERERS	8.25	
PLUMBERS	14.15	1.62
ROOFERS	6.89	
SHEET METAL WORKERS	11.50	1.99+ 3%
SPRINKLER FITTERS	$12.65	2.18
WELDERS--Rate for Craft		

FOOTNOTES: a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than five year; 6% for less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NO.: IL83-2036 DATE: Date of Publication
Supersedes Decision Nos. IL81-1054, dated August 21, 1981 in 46 FR 42597 and IL82-2034, dated May 7, 1982 in 47 FR 19669
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging Projects)

*ADAMS, BROWN, CASS, CHAMPAIGN, CHRISTIAN, CLARK, COLES, CUMBERLAND, DEWITT, DOUGLAS, EDGAR, LOGAN, MACON, MASON, MENARD, MORGAN, MOULTRIE, PIATT, PIKE, SANGAMON, SCHUYLER, SCOTT, SHELBY & VERMILION

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
AREA 1	$16.35	$1.41
AREA 2	15.55	2.21
AREA 3:		
Carpenters	15.855	2.13
Piledrivermen	16.355	2.13
AREA 4	16.40	1.36
AREA 5:		
Carpenters	14.27	1.48
Piledrivermen	14.77	1.48
AREA 6:		
Carpenters	15.65	2.82
Piledrivermen	16.15	2.82
AREA 7	15.69	2.07
AREA 8:		
Carpenters	15.755	2.23
Piledrivermen	16.255	2.23
AREA 9:		
Carpenters	15.58	2.82
Piledrivermen	16.08	2.82
AREA 10:		
Carpenters	15.705	2.28
Piledrivermen	16.205	2.28
CEMENT MASONS:		
AREA 1	15.65	1.50
AREA 2	16.40	.80
AREA 3	16.775	.575
AREA 4	16.15	1.00
AREA 5	17.025	
AREA 6	15.55	1.775
AREA 7	17.15	
AREA 8	15.69	1.46
AREA 9	16.30	.85
AREA 10	16.025	1.00
ELECTRICIANS:		
AREA 1:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 2	17.32	2.29
AREA 3	17.35	2.61
AREA 4	17.30	2.38
AREA 5	17.85	2.14
AREA 6	17.33	2.31
AREA 7:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 8	17.57	1.72
IRONWORKERS:		
AREA 1	$15.95	$1.23
AREA 2	16.25	2.15
AREA 3	15.00	3.03
AREA 4	15.25	4.05
LINE CONSTRUCTION:		
AREA 1:		
Linemen	18.01	2.18
Groundmen-Equipment Ops., Class 1	16.81	2.08
Groundmen-Truck Driver with Winch	12.77	1.74
Groundmen-Truck Driver without Winch	12.02	1.67
Groundmen	11.46	1.62
AREA 2:		
Linemen	15.80	2.58
Groundmen Equipment Ops., Class 1	13.51	2.27
Groundmen Equipment Ops., Class 2	12.10	2.08
Groundmen	10.09	1.61
PAINTERS:		
AREA 1:		
Brush	11.00	
Spray	13.00	
AREA 2:		
Brush; Roller	13.65	1.75+a
Spray	14.40	1.75+a
AREA 3	16.27	.99
AREA 4:		
Brush up to 30 ft.	14.90	1.00
Brush over 30 ft.	15.10	1.00
Roller up to 30 ft.	15.15	1.00
Roller over 30 ft.	15.95	1.00
Sandblasting up to 30 ft.	15.90	1.00
Sandblasting over 30 ft.	16.60	1.00
Spray up to 30 ft.	15.30	1.00
Spray over 30 ft.	16.10	1.00
AREA 5:		
Brush; Roller	14.95	1.50
Spray	15.70	1.50
Radio & TV Towers; Steeples; & Structures over 50 ft.	15.95	1.50
AREA 6:		
Brush	15.50	1.73
Bridge Work & Spray	16.35	1.73

	Basic Hourly Rates	Fringe Benefits
PAINTERS (CONT'D):		
AREA 7:		
Industrial	$14.97	$1.30
Bridges	15.22	1.30
AREA 8:		
Brush	16.00	
Sandblast; Spray	17.00	
LABORERS:		
AREA 1:		
Unskilled	14.26	1.35
Semi-Skilled	14.46	1.35
Skilled	14.61	1.35
AREA 2:		
Unskilled	14.01	1.60
Semi-Skilled	14.21	1.60
Skilled	14.36	1.60
AREA 3:		
Unskilled	15.00	1.35
Semi-Skilled	15.20	1.35
Skilled	15.35	1.35
AREA 4:		
Unskilled	13.56	2.05
Semi-Skilled	13.76	2.05
Skilled	13.91	2.05
AREA 5:		
Unskilled	14.60	1.75
Semi-Skilled	14.80	1.75
Skilled	14.95	1.75
AREA 6:		
Unskilled	15.00	1.35
Semi-Skilled	15.20	1.35
Skilled	15.35	1.35
AREA 7:		
Unskilled	14.06	1.55
Semi-Skilled	14.26	1.55
Skilled	14.41	1.55
AREA 8:		
Unskilled	14.30	2.05
Semi-Skilled	14.50	2.05
Skilled	14.65	2.05
AREA 9:		
Unskilled	13.51	2.10
Semi-Skilled	13.71	2.10
Skilled	13.86	2.10
AREA 10:		
Unskilled	14.50	1.85
Semi-Skilled	14.70	1.85
Skilled	14.85	1.85
AREA 11:		
Unskilled	13.80	2.55
Semi-Skilled	14.00	2.55
Skilled	14.15	2.55

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Class 1	$16.25	$1.85
Class 2	14.60	1.85
Class 3	13.00	1.85
AREA 2:		
Class 1	16.20	2.35
Class 2	16.10	2.35
Class 3	15.90	2.35
Class 4	9.25	2.35
AREA 3:		
Group 1	16.74	2.35
Group 2	16.54	2.35
Group 3	15.59	2.35
Group 4	15.32	2.35
Group 5	13.88	2.35
TRUCK DRIVERS:		
AREA 1:		
Group 1	14.325	1.15+b
Group 2	14.725	1.15+b
Group 3	14.925	1.15+b
Group 4	15.175	1.15+b
AREA 2:		
Group 1	14.875	1.15+b
Group 2	15.275	1.15+b
Group 3	15.475	1.15+b
Group 4	15.725	1.15+b
DREDGING:		
Mason County:		
Group 1	13.07	1.30
Group 2	12.87	1.30
Group 3	12.495	1.30
Group 4	12.22	1.30
Group 5	11.61	1.30

FOOTNOTES:
a. $25.00 Per Year Per Employee
b. $51.00 Per Week Per Employee

AREA DESCRIPTIONS

CARPENTERS & PILEDRIVERMEN:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Morgan, Pike, Schuyler & Scott Cos.
AREA 3: Champaign, Douglas (N. of US Rte. #36), & Platt (NE ¼) Cos.
AREA 4: Christian, Menard, & Sangamon (Except Illiopolis) Cos.
AREA 5: Clark, Coles, Cumberland, Douglas (US Rte. #36 & S. thereof), Edgar, Moultrie (Exclu. area N. of Rte. #133), & Shelby (Exclu. Moweaqua & N. thereof) Cos.
AREA 6: DeWitt Co.
AREA 7: Logan Co.
AREA 8: Macon, Moultrie (N. of Rte. #133), Platt(SW ¼), Sangamon (Illiopolis) & Shelby (Moweaqua & N. thereof) Cos.
AREA 9: Mason Co.
AREA 10: Vermilion Co.
CEMENT MASONS:
AREA 1: Adams, Brown, & Pike Cos.
AREA 2: Cass, Mason, Menard, & Sangamon Cos.
AREA 3: Champaign, Clark, Cumberland, Douglas, Moultrie (Exclu. NE Corner), Platt (Monticello & N. thereof), & Shelby (Exclu. Lovington, Bethany & Moweaqua) Cos.
AREA 4: Christian Co.
AREA 5: Coles & Edgar Cos.
AREA 6: DeWitt (Clinton & E. thereof), Macon, Moultrie (NE Corner), Platt (S. of Monticello), & Shelby (Lovington, Bethany & Moweaqua) Cos.
AREA 7: Logan Co.
AREA 8: Morgan Co.
AREA 9: Schuyler Co.
AREA 10: Vermilion Co.
ELECTRICIANS:
AREA 1: Adams, Brown, Pike, & Schuyler Cos.
AREA 2: Cass, Logan, Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason), Menard, Morgan, Sangamon & Scott Cos.
AREA 3: Champaign, DeWitt (Santa Anna Twp.), Douglas (N ½), & Platt (Blue Ridge, Sangamon & Monticello Twps.) Cos.
AREA 4: Clark & Edgar Cos.
AREA 5: Christian, Coles, Cumberland, DeWitt (Harp, Wapella, Barnett, Clintonia, DeWitt, Turnbridge, Texas, Creek & Nixon Twps.), Douglas (Arcola, Burbon, Garrett Twps. & that portion of Tuscola lying W. of the city of Tuscola & the Illinois Central RR Tracks), Macon, Moultrie, Platt (Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity Twps.), & Shelby Cos.
AREA 6: DeWitt (Waynesville, Wilson & Rutledge Twps.) Co.
AREA 7: Mason (Exclu. Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason) Co.
AREA 8: Vermilion Co.
IRONWORKERS:
AREA 1: Adams (Kingston & Vic.), Brown, Cass, Christian, DeWitt (W ½), Logan, Macon (Except portion E. of Decatur), Mason, Menard, Morgan, Pike, Sangamon, Schuyler (E ½), Scott & Shelby (W ½) Cos.
AREA 2: Adams (Except Kingston & Vic.) & Schuyler ((W ½) Cos.
AREA 3: Champaign, Coles, Cumberland, DeWitt (E ½), Douglas, Edgar, Macon (E. of Decatur), Moultrie, Platt, Shelby (E ½), & Vermilion Cos.
AREA 4: Clark Co.

AREA DESCRIPTIONS

LINE CONSTRUCTION:
AREA 1: Adams, Brown, Cass, Champaign, Christian, Coles (E. Oakland, Humboldt, Morgan, N. Okaw, & Seven Hickory Twps.), DeWitt, Douglas, Edgar, Logan, Macon, Mason, Menard, Morgan, Moultrie (Except Whitley Twp.), Piatt, Pike, Sangamon, Schuyler, Scott, Shelby (W. of Holland, Prairie, Richland, & Windsor Twps.), & Vermilion (Except work performed on Illinois Power Company & REA Co-op properties) Cos.
AREA 2: Clark, Coles (S ½), Cumberland, Moultrie (Whitley Twp.), Shelby (Except W. of Holland, Prairie, Richland, & Windsor Twps.) Cos.

PAINTERS:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Christian, Logan, Menard, Morgan, Sangamon, & Scott Cos.
AREA 3: Champaign, Coles, Cumberland, & Douglas Cos.
AREA 4: Clark & Edgar Cos.
AREA 5: DeWitt, Macon, Moultrie, Piatt, & Shelby Cos.
AREA 6: Mason & Schuyler Cos.
AREA 7: Pike Co.
AREA 8: Vermilion Co.

LABORERS:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Mason, Morgan, Pike, Schuyler, & Scott Cos.
AREA 3: Champaign, DeWitt, & Piatt (N ½) Cos.
AREA 4: Christian Co.
AREA 5: Clark, Douglas, Edgar, Moultrie (E ½), & Piatt (S ½) Cos.
AREA 6: Coles & Cumberland Cos.
AREA 7: Logan & Menard (S ½) Cos.
AREA 8: Macon & Moultrie (W ½) Cos.
AREA 9: Menard (N ½) & Sangamon Cos.
AREA 10: Shelby Co.
AREA 11: Vermilion Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Adams, Brown, Cass, Christian, DeWitt, Logan, Macon, Menard, Morgan, Piatt, Pike, Sangamon, Schuyler, Scott & Shelby Cos.
AREA 2: Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, & Vermilion Cos.
AREA 3: Mason Co.

TRUCK DRIVERS:
AREA 1: Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Logan, Macon, Menard, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby & Vermilion Cos.
AREA 2: Mason Co.

LABORERS CLASSIFICATIONS:
UNSKILLED - Common Laborers
SEMI-SKILLED - Asphalt Rakers; Asphalt Saw Operators; Blade Grade Operators; Cement Handlers; Chain Saw Operators; Concrete Saw Operators; Dumping Dry Cement From Dump & Batch Trucks; Form Setters; Handling of Creosote Lumber & Line; Hopper Men; Mechanical Form Tampers; Powder Men; Powdermen & Dynamite Men ($1.00 premium); Power Tool Operators; Priming & Wrapping of Gas Lines; Puddlers; Rubbing of Concrete; Sewer or Conduit, Tunnel Miners, Top Men, Muckers, & Bottom Men ($.25 premium); Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; & Spotters & Dumpmen or on Levees, Fills, or Grades
SKILLED - Air Spades; Brick Tenders; Gunnite Nozzlemen; & Jackhammers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:
CLASS 1: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skinner Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)
CLASS 2: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hwy & Hwy only)
CLASS 3: Air Compressor*; Air Compressors, Truck or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operations; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver (1 man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*
*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:
CLASS 1: Master Mechanic
CLASS 2: Utility Operator
CLASS 3: Power Cranes; Draglines; Derricks; Shovels; Gradalls; Mechanics; Concrete Mixers with Skip; Tournamixers; Two Drum Machine; One Drum Hoists with Tower or Boom; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Winch or Hydraulic Boom Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Asphalt Planer; Finishing Machine on Asphalt; Large Rollers on Earth; Rollers on Asphalt Mix; Ross Carriers or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer; Paver Operator; Farm Tractor w/half yard Bucket and/or Backhoe Attachment; Dredging Equipment or Dredge Engineer or Dredge Operator; Central Mix Plant Engineer; CMI or similar type machine; Concrete Pump; Truck or Skid mounted; Tower Crane; Engine or Rock Crusher Plant; Concrete Plant Engineer; Ditching Machine with dual attachment; Tractor mounted Loaders; Cherry Picker; Hydro Crane; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machine; Back Filler; Elevating Machine; Power Blade; Drilling Machine, inclu. Well Testing, Caissons, Shaft or any similar type Drilling Machines; Motor Driven Paint Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Head Equipment Greaser; Barber-Greene Loaders; Formless Paver; Well Point System; Concrete Spreader; Hydra Ax; Rapco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Piledriver - Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine; Freezing Operator; Chair Cart - Self-Propelled; Hydra Seeder; Straw Blower; Power Sub Grader; Bull Float; Finishing Machine; Self-propelled Pavement Breaker (Backhoe attached); Lull or similar type machine; Two Air Compressors; Compressors hooked in Manifold; Overhead Crane; Chip Spreader; Mud Cat; Soil-Air; Tractor Highlift; Tournadozer; Tube Float; Spray Machine; Curing Machine; Concrete or Asphalt Milling Machine

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2 (CONT'D):

CLASS 4: Concrete Mixers without Skips; Rock Crusher; Ditching Machine under 6'; Curbing Machine; One Drum Machines without Tower or Boom; Air Tugger; Self-propelled Concrete Saw; Machine mounted Post Hole Digger; Two to Four Generators; Water Pumps or Welding Machines within 400 ft.; Air Compressor 600 cu. ft. and under; Rollers on Aggregate and Seal Coat Surfaces; Fork Lift; Concrete and Blacktop Curb Machine; Farm Tractor with less than half yard Bucket; One Water Pump; Oilers; Air Valves or Steam Valves; One Welding Machine; Truck Jack; Mud Jack; Gunite Machine; House Elevators when used for Hoisting Material; Engine Tenders; Fireman; Wagon Drill; Flex Plane; Conveyor; Siphons and Pulsometer; Switchman; Fireman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Self-propelled Power Broom; Striping Machine (motor driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Deck Hands; Truck Crane; Oiler Driver; Cement Slings; Form Grader; Temporary Heat; Throttle Valve; Farm Tractor

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:

GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes. Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Tumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore. Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Boss Carrier; Helicopter; Dozer & Tournadozer

GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader Other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tyne-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F. W. D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-Brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tok Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Drawo, Warner, Silent Glo & Similar types; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Foam Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

TRUCK DRIVERS CLASSIFICATIONS:

GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP 2: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP 3: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP 4: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

DREDGING CLASSIFICATIONS:

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges,, Engineers and Repairmen, Operators on Work Boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Security Engineer
GROUP 4 - Cranemen on Dipper Dredges, Operators on Launches or Power Boats
GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber,Barton,Cheyenne,Clark,Comanche, Decatur,Edwards,Ellis,Ellsworth,Finney,Ford, Gove,Graham,Grant,Gray,Greely,Hamilton,Haskell,Hodgeman,Jewell,Kearny,Kiowa,Lane,Lincoln, Logan,Meade,Mitchell,Morton,Ness,Norton,Osborne Pawnee,Phillips,Pratt,Rawlings,Rice,Rooks, Rush,Russell,Scott,Seward,Sheridan,Sherman, Smith,Stafford,Stanton,Stevens,Thomas,Trego, Wallace, and Wichita

DECISION NO.: KS83-4028

DATE: Date of Publication

Supersedes Decision No. KS82-4009 dated March 26, 1982, in 47 FR 13105

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navagable waters, Tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA I	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	$6.26	
Asphalt Paving Machine Operator	6.80	
Ashphalt Plant Operator	7.10	
Asphalt Raker	6.00	
Backhoe Operator	7.78	
Batching Plant Scaleman	5.32	
Blowing Mechanism or Mulch Seeder Operator	6.00	
Brick, Block and Stonesetter	8.20	
Bulldozer Operator (Push Cat)	7.55	
Carpenter	8.00	
Carpenter (rough)	6.16	
Concrete Finisher	6.94	
Crane or any Machine Power Swing	7.75	
Crusher and Screening Plant Operator	6.58	
Distributor Operator	6.485	
Electrician	7.94	
Form Liner and Setter	5.60	
Front End Loader Operator	6.49	
Laborer (Construction)	5.064	
Mechanic	7.29	
Mechanic Helper	7.00	
Motor Grader Operator (finish)	7.31	
Motor Grader Operator (rough)	6.70	
Motor Scraper Operator	7.55	
Painters (Structural Steel & Bridge)	8.00	
Paving Equipment Operator	7.71	
Post Driver and/or Auger Operators	6.50	
Reinforcing Steel Setter	6.67	
Roller/Compactor Operator (self-propelled)	6.00	
Rotary Broom Operator	6.00	
Rotomill Operator	6.975	
Sandblaster (Structural Steel & Bridge)	8.00	
Serviceman (Equipment)	5.947	
Spreader Box Operator (self-propelled)	6.00	

	Basic Hourly Rates	Fringe Benefits
Tank Heater Attendant	$4.25	
Tractor Operator (80 HP or less)	5.25	
Tractor Operator (80 HP or more)	5.655	
Trenching Machine Operator	6.50	
Truck Driver (Single Axle)	4.87	
Truck Driver (tandem Axle)	5.38	
Truck Driver (triple Axle & Semi)	6.00	
Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))..		

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO.: KS83-4029 DATE: Date of Publication
Supersedes Decision No. KS82-4010 dated March 15, 1982, in 47 FR 13106
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA II	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	$7.75	
Asphalt Paving Machine Operator	7.33	
Asphalt Plant Operator	7.00	
Asphalt Raker	6.50	
Backhoe Operator	7.85	
Bulldozer Operator (Push Cat)	8.85	
Carpenter	8.86	
Carpenter (rough)	7.85	
Concrete Central Mix Plant Operator	7.88	
Concrete Finisher	8.508	
Concrete Saw Operator	6.03	
Crane or any Machine Power Swing	8.435	
Distributor Operator	6.75	
Electrician	11.50	
Form Liner and Setter	8.078	
Front End Loader Operator	7.696	
Laborer (Construction)	5.25	
Mechanic	8.00	
Mechanic Helper	7.50	
Motor Grader Operator (finish)	8.30	
Motor Grader Operator (rough)	7.650	
Motor Scraper Operator	7.75	
Painters (structural steel & bridge)	8.00	
Paving Equipment Operator	8.00	
Pavement Breaker Tamper Operator (self-propelled)	5.00	
Reinforcing Steel Setter	6.55	
Roller/Compactor Operator (self-propelled)	7.75	
Rotomill Operator	5.75	
Sandblaster (structural steel & bridge)	8.00	
Servicemen (equipment)	7.425	
Tractor Operator (80 HP or less)	6.859	
Tractor Operator (80 HP or more)	7.733	
Truck Driver (single axle)	6.65	
Truck Driver (tandem axle)	6.292	
Truck Driver (triple axle and Semi)	8.00	

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

SUPERSEDEAS DECISION

STATE: Kansas COUNTIES: Allen, Anderson, Atchinson, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson
HIGHWAY CONSTRUCTION - Geary, Riley, Labette and Saline Counties ONLY
DECISION NO. KS83-4030 DATE: Date of Publication
Supersedes Decision No. KS82-4011 dated March 15, 1982, in 47 FR 13107
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA III	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	7.00	
Asphalt Paving Machine Operator	9.00	
Asphalt Plant Operator	9.50	
Asphalt Raker	7.33	
Backhoe Operator	7.44	
Batching Plant Scaleman	4.75	
Blowing Mechanism or Mulch Seeder Operator	5.00	
Brick, Block and Stonesetter	6.28	
Bulldozer Operator (Push Cat)	7.70	
Carpenter	7.88	
Carpenter (rough)	6.685	
Concrete Central Mix Plant Operator	7.30	
Concrete Finisher	7.978	
Concrete Saw Operator	6.121	
Crane or any Machine Power Swing	7.83	
Crusher and Screening Plant Operator	5.00	
Distributor Operator	7.09	
Electrician	8.27	
Form Liner and Setter	6.57	
Front End Loader Operator	9.17	
Laborer (Construction)	5.79	
Mechanic	7.70	
Mechanic Helper	6.13	
Motor Grader Operator (finish)	11.23	
Motor Grader Operator (rough)	7.72	
Motor Scraper Operator	7.70	
Paving Equipment Operator	9.00	
Piledriverman	6.87	
Post Driver and/or Auger Operator	7.00	
Reinforcing Steel Setter	5.76	
Roller/Compactor Operator (self-propelled)	8.14	
Rotary Broom Operator	5.00	

	Basic Hourly Rates	Fringe Benefits
Rotomill Operator	5.00	
Sandblaster (Structural Steel & Bridge)	4.54	
Serviceman (equipment)	7.99	
Spreader Box Operator (self-propelled)	7.70	
Steelworker (Structural)	10.15	
Tractor Operator (80 HP or less)	6.152	
Tractor Operator (80 HP or more)	6.12	
Trenching Machine Operator	5.35	
Truck Driver (Single Axle)	5.683	
Truck Driver (Tandem Axle)	6.18	
Truck Driver (Triple Axle and Semi)	8.04	
Welder	7.98	
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract c clauses (29 CFR, 5.5(a)(1)(ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: BUTLER, HENDERSON, HOPKINS, LOGAN, McLEAN, MUHLENBERG, TODD, UNION, & WEBSTER.
DECISION NUMBER: KS83-4020 DATE: DATE OF PUBLICATION
Supersedes Decision Number KS81-1309, dated October 30, 1981, in 46 FR 53909.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consists of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.99	
BRICKLAYERS	6.75	
CARPENTERS	6.81	
CEMENT MASONS	7.00	
DRYWALL FINISHERS	7.00	
DRYWALL HANGERS	6.50	
ELECTRICIANS	7.00	
INSULATION INSTALLERS	5.00	
LABORERS:		
Unskilled	4.70	
Mason tenders	5.00	
PAINTERS	6.75	
PLUMBERS & PIPEFITTERS	7.25	
ROOFERS	7.00	
SHEET METAL WORKERS	6.75	
SOFT FLOOR LAYERS	6.19	
TRUCK DRIVERS	5.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.60	
Bulldozer	7.00	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: DAVIESS, HANCOCK, & OHIO
DECISION NUMBER: KY83-1025 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1292, dated September 25, 1981, in 46 FR 47400.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.78	
BRICK & BLOCK LAYERS	6.79	
CARPENTERS	6.97	
CEMENT MASONS	6.90	
DRYWALL FINISHERS	7.14	
DRYWALL MECHANICS	6.90	
ELECTRICIANS	7.25	
LABORERS - GENERAL	4.83	
PAINTERS	6.75	
PLUMBERS & PIPEFITTERS	7.00	
ROOFERS	7.00	
SHEET METAL WORKERS	7.00	
SOFT FLOOR LAYERS	5.50	
TILE SETTERS	7.05	
TRUCK DRIVERS	5.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.00	
Bulldozer	7.63	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: CAMPBELL, KENTON, & PENDLETON
DECISION NUMBER: KY83-1026 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1312, dated November 13, 1981, in 46 FR 56125.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.04	
BRICKLAYERS	8.94	
CARPENTERS	7.20	
CEMENT MASONS	8.38	
DRYWALL FINISHERS	8.00	
DRYWALL HANGERS	8.00	
ELECTRICIANS	9.96	
INSULATION INSTALLERS	5.62	
LABORERS:		
General laborers	5.12	
Mason tenders	5.90	
PAINTERS	7.56	
PLUMBERS & PIPEFITTERS	8.10	
ROOFERS	7.00	
SHEET METAL WORKERS	6.04	
SOFT FLOOR LAYERS	7.45	
TILE SETTERS	9.15	
TRUCK DRIVERS	6.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 8.00	
Bulldozer	7.25	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY

COUNTIES: CARROLL, JEFFERSON, OLDHAM, & TRIMBLE

DECISION NUMBER: KY83-1027

DATE: DATE OF PUBLICATION

Supersedes Decision Number KY82-1025, dated April 2, 1982, in 47 FR 14348.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.00	
BRICKLAYERS	8.00	
CARPENTERS	7.59	
CEMENT MASONS	7.78	
DRYWALL FINISHERS	8.00	
DRYWALL HANGERS	8.00	
ELECTRICIANS	8.10	
INSULATION INSTALLERS	5.61	
IRONWORKERS	9.22	
LABORERS - GENERAL	5.32	
PLUMBERS	9.16	
POWER EQUIPMENT OPERATORS:		
Backhoe	8.00	
Bulldozer	9.77	
Front end loader	9.50	
Grader	8.60	
High lift	7.50	
ROOFERS	7.00	
SHEET METAL WORKERS	7.99	
SOFT FLOOR LAYERS	$ 7.75	
TILE SETTERS	6.91	
TRUCK DRIVERS	7.00	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Maine

COUNTIES: Cumberland

DECISION NO.: ME83-3007

DATE: Date of Publication

Supersedes Decision No.: ME80-2069, dated August 15, 1980, in 45 FR 54614.

DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS/PIPE INSULATORS	17.56	3.31
BOILERMAKERS	16.44	3.055
BRICKLAYERS	11.30	1.02
CARPENTERS	7.66	
CEMENT MASONS	8.27	
CEMENT FINISHERS	11.07	
DRYWALL INSTALLERS	10.00	
ELECTRICIANS	14.25	3%+1.07
GLAZIERS	6.44	
IRONWORKERS	11.35	2.74
LABORERS	5.94	
PAINTERS	5.78	
PLUMBERS & PIPEFITTERS	8.81	
ROOFERS	7.52	
SHEET METAL WORKERS	10.85	1.565
MILLWRIGHTS	10.25	1.55
TRUCK DRIVERS	5.03	
POWER EQUIPMENT OPERATORS		
Backhoe	6.41	
Bulldozer	6.74	
Crane	11.24	
Paver	5.00	
Roller	5.00	
Loader	7.49	
WELDER - Rate For Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MAINE COUNTY: YORK
DECISION NO.: ME83-3008 DATE: DATE OF PUBLICATION
Supersedes Decision No. ME80-2009, dated March 14, 1980 in 44 FR 16817
DESCRIPTION OF WORK: Building Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS/PIPE INSULATORS	17.56	3.31
BRICK MASONS/CEMENT MASON	11.66	1.02
CARPENTERS	11.64	1.80
ELECTRICIANS	14.00	3%+1.07
GLAZIERS	6.56	
IRONWORKERS	12.70	2.94
LABORERS	7.02	
PAINTERS	5.00	
PLUMBERS & PIPEFITTERS	9.35	
ROOFERS	7.59	
SHEET METAL WORKERS	9.81	
TRUCK DRIVERS	5.00	
TRUCK DRIVERS, 2 AXLE	5.35	
POWER EQUIPMENT OPERATORS		
Bulldozer	9.70	
Loader	5.00	
Roller	5.00	

	Basic Hourly Rates	Fringe Benefits

WELDER - Rate for Craft

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEW MEXICO COUNTY: STATEWIDE
DECISION NO. NM83-4032 DATE: Date of Publication
SUPERSEDES DECISION NO. NM83-4016 dated January 28, 1983 in 48FR4221
DESCRIPTION OF WORK: General Building and Heavy Engineering construction shall include the construction, alteration, repair and demolition of buildings, including residential buildings, office buildings, warehouses, industrial and commercial buildings, institutional and public buildings, and all air conditioning, conduit, heating and other mechanical and electrical works and site preparation for building or heavy engineering projects under this classification, stadia; and shall include electrical, gas, water, sewer lines, and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure; and include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kilns, silos, shafts and tunnels (other than highway shafts and tunnels), hydroelectric porjects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharfing chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles. [ALSO INCLUDING RESIDENTIAL PROJECTS IN SANTA FE, BERNALILLO, RIO ARRIBA, TAOS, SANDOVAL AND VALENCIA COUNTIES].

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	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS - Zone I	$17.25	2.26
ASBESTOS WORKERS - Zone II	15.20	2.37
BOILERMAKERS	13.75	3.44
BRICKLAYERS-STONEMASONS:		
Zone I-A	13.36	1.82
Zone I-B	14.86	1.82
Zone I-C	15.61	1.82
Zone II	13.46	1.72
Zone III	14.99	1.72
Zone IV	13.66	1.52
Zone V	15.16	1.52
Zone VIA	13.16	1.62
Zone VIB	14.66	1.62
Zone VII	14.89	1.42
Zone VIII	14.89	1.42
Zone IX	13.14	1.42
CARPENTERS (Dwelling houses & apartments not to exceed two stories in height):		
Zone I-A	8.15	2.80
Zone I-B	9.65	2.80
Zone I-C	10.40	2.80
CARPENTERS (Building, Heavy & Residential Construction Dwelling houses and apartments over two stories in height):		
Zone 2-A	13.80	2.80
Zone 2-B	15.30	2.80
Zone 2-C	16.05	2.80
CARPENTERS (San Juan County Only)		
Zone I	13.80	2.80
Zone II	16.05	2.80
Zone III	16.05	2.80
CEMENT MASONS:		
Area I	11.74	2.22
Area II:		
Zone 1	11.74	2.22
Zone 2	13.24	2.22
Zone 3	13.49	2.22
CEMENT MASONS (Residential):		
Sandoval, Bernalillo and Valencia Counties	8.67	2.80
Rio Arriba, Sant Fe and Taos Counties	11.54	2.22
CEMENT MASONS (HEAVY CONST.)	11.74	2.22
CEMENT MASONS (COMPOSITION AND MACHINE OPERATORS):		
Area I	11.99	2.80
Area II - Zone I	11.99	2.80
Area II - Zone II	13.49	2.80
Area II - Zone III	13.74	2.80
ELECTRICIANS:		
ZONE I		
Area 1-A	$15.90	y
Area 1-B	17.33	Y
Area 1-C	18.29	Y
Area 1-D	20.03	Y
ZONE II	18.29	Y
Y - 3-1/2% + 2.00		
ZONE III		
3-A	13.00	Z
3-B	14.45	Z
Z - 3-1/2% + .80		
ZONE IV		
4-A	15.80	3%+.82
4-B	16.25	3%+.82
4-C	16.40	3%+.82
4-D	16.65	3%+.82
CABLE SPLICERS:		
ZONE I		
Area 1-A	17.49	K
Area 1-B	18.92	K
Area 1-C	19.88	K
Area 1-D	21.55	K
K - 3-1/2% + 2.00		
ZONE III		
3-A	13.25	M
3-B	14.70	M
M - 3-1/2% + .80		
ZONE IV		
4-A	16.15	3%+.82
4-B	16.60	3%+.82
4-C	16.75	3%+.82
4-D	17.00	3%+.82
ELEVATOR CONSTRUCTORS:		
AREA I	14.91	JJ
Area II	11.69	JJ
Elevator constr. helpers	70%JR	JJ
Elevator prob. helpers	50%JR	
JJ - $2.465 + seven paid Holidays; and employees with 6 to 5 years of service 6%; over 5 yrs. 8% of basic hourly rate.		
GLAZIERS	11.39	1.04
IRONWORKERS - Zone I	14.30	2.83
IRONWORKERS - Zone II:		
Area 1	14.30	2.83
Area 2	15.55	2.83
Area 3	16.55	2.83
Area 4	16.80	2.83
IRONWORKERS - Zone III	13.25	2.95
IRONWORKERS - Zone IV	14.25	2.95

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	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING CONSTRUCTION):		
ZONE I		
Group I	$ 9.50	1.86
Group II	9.80	1.86
Group III	10.10	1.86
Group IV	10.25	1.86
LABORERS (BLDG. CONSTRUCTION FARMINGTON AREA ONLY):		
ZONE II		
Group 1	11.00	1.86
Group 2	11.30	1.86
Group 3	11.60	1.86
Group 4	11.75	1.86
ZONE III		
Group 1	11.25	1.86
Group 2	11.55	1.86
Group 3	11.85	1.86
Group 4	12.00	1.86
LABORERS (HEAVY CONSTRUCTION:		
ZONE I		
Group I	9.50	1.86
Group II	9.80	1.86
Group III	9.90	1.86
Group IV	10.10	1.86
Group V	10.25	1.86
LABORERS (HEAVY CONSTRUCTION FARMINGTON AREA ONLY)		
ZONE II		
Group 1	11.00	1.86
Group 2	11.30	1.86
Group 3	11.40	1.86
Group 4	11.60	1.86
Group 5	11.75	1.86
ZONE III		
Group 1	11.25	1.86
Group 2	11.55	1.86
Group 3	11.65	1.86
Group 4	11.85	1.86
Group 5	12.00	1.86
LABORERS (RESIDENTIAL CONST):		
Group I	5.02	1.86
Group II	5.32	1.86
Group III	5.62	1.86
LATHERS-ZONE I	13.80	2.80
LATHERS-ZONE II	15.30	2.80
LATHERS-ZONE III	16.05	2.80
LEADBURNERS - ZONE I	16.89	3.29
LEADBURNERS - ZONE II	17.64	3.29
LEADBURNERS - ZONE III	19.14	3.29
LEADBURNERS -ZONE IV Specific Area)	17.69	3.29
COMMERCIAL LINE WORK AREA A		
LINEMEN-TECHNICIANS		
Zone I	$15.90	P
Zone II	17.33	P
Zone III	18.29	P
Zone IV	20.03	P
CABLE SPLICERS		
Zone I	17.49	P
Zone II	18.92	P
Zone III	19.88	P
Zone IV	21.62	P
EQUIPMENT OPR. (includes helicopter op.)		
Zone I	15.10	P
Zone II	16.73	P
Zone III	17.49	P
Zone IV	19.13	P
EQUIPMENT MECHANIC (include helicopter mech.)		
Zone I	13.83	P
Zone II	15.26	P
Zone III	16.22	P
Zone IV	17.96	P
POWDERMAN		
Zone I	13.83	P
Zone II	15.26	P
Zone III	16.22	P
Zone IV	17.96	P
GROUNDMAN-JACKHAMMER OPRS.:		
Zone I	11.29	P
Zone II	12.72	P
Zone III	13.68	P
Zone IV	15.42	P
P - 3-1/2% + $2.00		
COMMERCIAL LINE WORK-AREA B:		
LINEMEN-TECHNICIANS		
Zone I	10.15	3%%+.60
Zone II	11.60	3%%+.60
CABLE SPLICERS		
Zone I	10.40	3%%+.60
Zone II	11.85	3%%+.60
EQUIPMENT OPR. (includes helicopter operators):		
Zone I	9.64	3%%+.60
Zone II	11.02	3%%+.60
EQUIPMENT MECHANIC (includes helicopter mechanic & Powderman):		
Zone I	8.93	3%%+.60
Zone II	10.21	3%%+.60
GROUNDMAN-JACKHAMMER OPRS.:		
Zone I	7.21	3%%+.60
Zone II	8.24	3%%+.60

	Basic Hourly Rates	Fringe Benefits
COMMERCIAL LINE WORK AREA-C:		
LINEMEN-TECHNICIANS		
Zone I	$16.70	3%+ 60
Zone II	15.15	3%+.60
Zone III	15.30	3%+.60
Zone IV	15.55	3%+.60
CABLE SPLICERS		
Zone I	15.05	3%+.60
Zone II	15.50	3%+.60
Zone III	15.65	3%+.60
EQUIPMENT OPERATORS (Includes helicopter opr.)		
Zone I	13.28	3%+.60
Zone II	13.68	3%+.60
Zone III	13 83	3%+.60
Zone IV	14.08	3%+.60
EQUIPMENT MECHANIC (including helicopter mechanic):		
Zone I	13.68	3%+.60
Zone II	13.23	3%+.60
Zone III	13.38	3%+.60
Zone IV	14.08	3%+.60
FOREMAN		
Zone I	13.23	3%+.60
Zone II	13.23	3%+.60
Zone III	13.38	3%+.60
Zone IV	13.62	3%+.60
GROUNDMAN-JACKHAMMER OPRS.		
Zone I	10.44	3%+.60
Zone II	10.89	3%+.60
Zone III	11.04	3%+.60
Zone IV	11.29	3%+.60
MARBLE, TILE AND TERRAZO WORKERS	12.90	.82
MARBLE, TILE AND TERRAZO FINISHERS	10.89	.82
MILLWRIGHTS-PILEDRIVERMEN:		
Zone 1	14.55	2.80
Zone 2	16.05	2.80
Zone 3	16.80	2.80
PAINTERS (ZONE I)		
Class-A	10.90	1.25
Class-B	11.40	1.25
Class-C	11.15	1.25
Class-D	11.48	1.25
Class-E	11.23	1.25
PAINTERS (ZONE II)		
Class-A	9.90	1.25
Class-B	10.90	1.25
Class-C	10.55	1.25
Class-D	10.75	1.25
Class-E	11.48	1.25
Class-F	11.23	1.25

	Basic Hourly Rates	Fringe Benefits
PAINTERS (ZONE III)		
Class-A	$ 9.13	.85
Class-B	9.55	.85
Class-C	9.275	.85
Class-D	9.98	.85
PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe, Taos & Rio Arriba Cos.)		
Brush and roller	8.60	1.25
Spray & sandblast	9.25	1.25
Paperhangers	8.82	1.25
Drywall finisher	10.63	1.25
Drywall finisher toll	10.88	1.25
PLASTERERS	13.01	2.12
PLUMBERS-PIPEFITTERS:		
Area I	16.39	3.29
Area II	17.14	3.29
Area III	18.64	3.29
Specific Area	17.19	3.29
Residential	9.95	1.42
POWER EQUIPMENT OPERATORS:		
RESIDENTIAL & GENERAL		
BUILDING CONSTRUCTION		
Group I	10.98	1.80
Group II	12.07	1.80
Group III	12.15	1.80
Group IV	12.26	1.80
Group V	12.32	1.28
Group VI	12.42	1.28
Group VII	12.52	1.28
Group VIII	13.65	1.28
POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)		
Group I	10.93	1.85
Group II	12.02	1.85
Group III	12.10	1.85
Group IV	12.21	1.85
Group V	12.27	1.85
Group VI	12.37	1.85
Group VII	12.47	1.85
Group VIII	13.60	1.85
ROOFERS (Building Const.)	10.62	.50
ROOFERS (Residential const.)	7.96	.50
SHEET METAL WORKERS:		
Zone I-A	17.17	2.84
Zone I-B	20.42	2.84
Zone I-C	20.42	2.84
Zone I-D	20.42	2.84
SHEET METAL WORKERS:		
Zone II-A	13.80	3%+1.5%
Zone II-B	15.30	3%+1.5%
Zone II-C	16.05	3%+1.5%
SPRINKLER FITTERS	16.17	2.83
SOFT FLOOR LAYERS	10.60	1.24

	Basic Hourly Rates	Fringe Benefits
SOUND INSTALLERS:		
SOUNDMAN		
Zone I	$12.85	M
Zone II	14.46	M
Zone III	17.67	M
Zone IV	13.45	3%+.61
TECHNICIANS		
Zone I	10.28	M
Zone II	11.89	M
Zone III	15.10	M
Zone IV	10.76	3%+.61
SOUND INSTALLERS		
Zone I	8.35	M
Zone II	9.96	M
Zone III	13.17	M
Zone IV	8.74	3%+.61
M - 3-1/2% + 1.55		
TRUCK DRIVERS (B'DG. CONST.)		
ZONE I		
Group I	9.73	1.79
Group II	9.85	1.79
Group III	9.93	1.79
Group IV	10.05	1.79
Group V	10.10	1.79
Group VI	10.20	1.79
Group VII	10.30	1.79
Group VIII	10.44	1.79
Group IX	10.59	1.79
ZONE II		
Group I	11.48	1.79
Group II	11.60	1.79
Group III	11.68	1.79
Group IV	11.80	1.79
Group V	11.85	1.79
Group VI	11.95	1.79
Group VII	12.05	1.79
Group VIII	12.19	1.79
Group IX	12.34	1.79
ZONE III		
Group I	11.98	1.79
Group II	12.10	1.79
Group III	12.18	1.79
Group IV	12.30	1.79
Group V	12.35	1.79
Group VI	12.45	1.79
Group VII	12.55	1.79
Group VIII	12.69	1.79
Group IX	12.84	1.79

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (cont'd)		
RESIDENTIAL CONSTRUCTION		
Group I	$ 9.43	1.79
Group II	9.55	1.79
Group III	9.63	1.79
Group IV	9.75	1.79
Group V	9.80	1.79
Group VI	9.90	1.79
Group VII	10.00	1.79
Group VIII	10.14	1.79
Group IX	10.29	1.79
TRUCK DRIVERS (HEAVY CONST:		
ZONE I		
Group I	9.88	1.54
Group II	10.00	1.54
Group III	10.08	1.54
Group IV	10.20	1.54
Group V	10.25	1.54
Group VI	10.35	1.54
Group VII	10.45	1.54
Group VIII	10.59	1.54
Group IX	10.74	1.54
ZONE II		
Group I	11.38	1.54
Group II	11.50	1.54
Group III	11.58	1.54
Group IV	11.70	1.54
Group V	11.75	1.54
Group VI	11.85	1.54
Group VII	11.95	1.54
Group VIII	12.09	1.54
Group IX	12.24	1.54
ZONE III		
Group I	11.63	1.54
Group II	11.75	1.54
Group III	11.85	1.54
Group IV	11.95	1.54
Group V	12.00	1.54
Group VI	12.10	1.54
Group VII	12.20	1.54
Group VIII	12.34	1.54
Group IX	12.49	1.54

CLASSIFICATIONS' AREA AND ZONE DEFINITIONS

ASBESTOS WORKERS:
ZONE I - Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Counties.
ZONE II - Union, Lea, Harding, Curry, Roosevelt and Quay Counties

BRICKLAYERS-STONEMASONS:
ZONE I-A; I-B and I-C - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo, Cobila and Los Alamos Counties
FROM BASING POINT OF ALBUQUERQUE MAIN POST OFFICE:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
ZONE II - Curry and Roosevelt Counties
ZONE III - DeBaca, Guadalupe and Quay Counties
ZONE IV - Chaves County
ZONE V - Lincoln County
ZONE VIA - Lee and Eddy Counties (except at Mine and Refinery sites outside Municipal Limits)
ZONE VIB - Lee and Eddy Counties (Employees at Mine and refinery sites outside Municipal Limits
ZONE VII - Otero County
ZONE VIII - Luna and Grant Counties, communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hildago and Sierra Counties
ZONE IX - Dona Ana County

CARPENTERS:
STATEWIDE - From nearest basing points of the following cities or towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg. Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumcari:
ZONES I AND II
Zone 1-A and 2-A - 0 to 15 road miles from nearest basing point
Zone 1-B and 2-B - 15 to 35 road mi. from nearest basing point
Zone 1-C and 2-C - Over 35 road mi. from nearest basing point
SAN JUAN COUNTY (ONLY)
Zone I - Within 15 rd. mi. of the City of Farmington
Zone II - Over 15 mi. but less than 35 mi. from Farmington
Zone III - 35 miles ofr more from the City of Farmington

CEMENT MASONS:
AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0-15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

ELECTRICIANS-CABLE SPLICERS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln, Cibola and Roosevelt Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS-CABLE SPLICERS (Cont'd):
Area 1-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 10 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 6 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over 2 mi. distant from the main post office in that town will be zoned out of Santa Fe.
Area 1-B - extending up to 20 miles beyond Area 1-A
Area 1-C - Extending up to 30 miles from Area 1-A
Area 1-D - anything beyond 30 miles from Area 1-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 10 miles radius from the p.o. in Las Cruces & within a 5 mi. radius from the p.o. in Alamogordo
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in zone 3-A0
ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main p.o. in Artesia, Carlsbad, Hobbs and Lovington
Zone 4-A - 0 to 12 miles from main post office
Zone 4-B - 12 - 22 miles from main post office
Zone 4-C - 22 - 40 miles beyond main post office
Zone 4-D - 40 miles and beyond main post office

ELEVATOR CONSTRUCTORS:
AREA I - Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties
AREA II - Chaves, Hidalgo, Dona, Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties

IRONWORKERS:
ZONE I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance, Cibola and Valencia Counties.
ZONE II - Farmington, San Juan County
Area 1 - Shall extend a distance of 6 road miles inclusive beyond City Hall
Area 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of area 1

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

IRONWORKERS (Cont'd):
ZONE II - Farmington, San Juan County (cont'd)
Area 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of area 2
Area 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of a area 3
Other areas not within area 1, 2, 3 and 4 shall revert to the $15.00 per day subsistence.
ZONE III - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missisile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
ZONE IV - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS ZONE DEFINITIONS FOR BUILDING AND HEAVY CONSTRUCTION:
ZONE I - STATEWIDE including that 15 mile radius from the City Hall in Farmington.

ZONES II and III FOR LABORERS BUILDING AND HEAVY CONSTRUCTION DEFINITIONS APPLIES TO THE FARMINGTON AREA ONLY AS FOLLOWS:

ZONE II - 15-35 miles from the City Hall in Farmington
ZONE III - 35 miles and over from the City Hall in Farmington

BUILDING LABORERS CLASSIFICATION DEFINITION
GROUP I - Unskilled; building and common laborers, carpenter tenders, concrete workers, concrete buggy operators.
GROUP II - Semi-skilled; air and power tool operator, asphalt rakers, demolition, gunite, rebound men, fog machine operator, power buggy operators, sandblasters (potmen), window washers, wagon core diamond drillers, tender; outside scaler, grade setter
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzlemen
GROUP IV - Powdermen and blasters

HEAVY CONSTRUCTION LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Construction and general laborers, carpenter tenders, concrete workers, concrete buggy operators.
GROUP II - Semi-skilled - Air and power tool operators, asphalt rakers, cutting torch operators demolition, gunite rebound men, grade setters, power buggy operators, sand blasters (pot men), nozzleman, wagon core and diamond drillers' tenders, outside scalers, fog machine operators
GROUP III - Wagon core, diamond drillers
GROUP IV - Miscellaneous - concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzleman
GROUP V - Powdermen and blasters

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Building and common laborers, carpenter tenders, concrete workers, concrete buggy operators, hand.

GROUP II - Semi-skilled - air and power tool operator, asphalt rakers, demolition, gunnite rebound men, fog machine operator, power buggy

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS (Cont'd):
GROUP II (CONT'D)
operator, sand blasterers (pot men), window washers, wagon core and diamond drillers, tender outside
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunnite nozzleman, pipelayer, pumpcrete nozzleman

LATHERS BASING POINTS & ZONE DEFINITIONS:
Alamogordo, Albuquerque, Antosia, Bayard, Belen, Carlbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordcbango, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Socorro, Taos, Tucumcari.
ZONE I - Jobs within 15 miles of Base points
ZONE II - Jobs 15 to 35 miles
ZONE III - Jobs 35 miles and more

LEADS BURNERS BASING POINT & AREA DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamorgordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Socorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari and Truth of Consequence
ZONE I - Shall include a distance of seven road miles inclusive beyond the city or town limits
ZONE II - Shall extended a distance of 4 road miles inclusive beyond the outer perimeter of area I.
ZONE III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds

COMMERCIAL LINE WORK
AREA A - Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandova, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I

Cities and Towns Basing Points - Miles from Main Post Offices	
Albuquerque - 15 miles	Ruidoso - 12 miles
Santa Fe - 10 miles	Portales - 12 miles
Las Vegas - 8 miles	Clovis - 12 miles
Farmington - 6 miles	Gallup - 12 miles
Raton - 6 miles	
Tucumcari - 6 miles	
Aztec - 6 miles	
Roswell - 12 miles	

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.
ZONE II - Extending up to 20 miles beyond zone 1
ZONE III - Extending up to 30 miles beyond zone 1

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

COMMERCIAL LINE WORK (Cont'd)
ZONE IV - Anything beyond 30 miles from zone 1
Las Alamos County - Use ZONE III rates
AREA B - Applies to switching stations and su-stations adjacent to power plants in Zone 1 and Zone 2 in Luna, Dona Ana, Otero, and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I - That area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer established or maintains his place of business; the area within ten mile radius form the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico.
ZONE II - All other areas of the jurisdiction except those specified in zone 1
AREA C - Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs & Lovington.
ZONE I - 0 - 12 miles
ZONE II - 12 - 22 miles
ZONE III - 22 to 40 miles
ZONE IV - 40 miles and beyend

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS
BASING POINT - FROM ALBUQUERQUE CITY LIMITS:
ZONE 1 - 0 to 15 road miles from basing point
ZONE 2 - 15 to 35 road miles from basing point
ZONE 3 - Over 35 road miles from basing point

PAINTERS' ZONE AND CLASSIFICATION DEFINITION
ZONE I - San Juan, McKinley, Bernalillo, Torance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierrra, Grant, Hidalgo, Curry, Lea, Eddy and Sandoval, Counties, New Mexico.
CLASS A - Painters, roller and hand textures
CLASS B - Painters, sptay, sandblasting, painter on steel bridges, tanks towers, pipe and structural
Class C - Panerhanger
CLASS D - Drywall finisher; ames tool operator
CLASS E - Hand finisher machine texture
ZONE II - Colfax, Harding, Los Alamos, Mora, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties
Class A - Painters and roller
Class B - Paperhangers
Class C - Spray, Sandblast, steel, special coating applicator
Class D - Sing Painters
Class E - Drywall finisher tool and machine texture
Class F - Hand finisher
ZONE III - Luna, Otero, and Dona Ana Counties
Class A - Brush, paperhangers
Class B - Spray, sandblasting, swing stage, striping machine
Class C - Ames tool and steel brush after erection
Class D - Radio towers, water tanks smoke stake 70 - 100 ft.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

PLUMBERS - PIPEFITTERS' ZONES DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcary, Truth of Consequence and Socorro, New Mexico.
Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.
Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.
Area III - Shall apply to all areas not within areas 1 or 2 or not within the specific area.
Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Co.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION
GROUP I - Fireman, oiler, screedman, scale operator such as bin-a batch, rubber tired farm type tractor, tractors under 50 HP without attachments, breakman, concrete paving curing machine (bridgetype), helper; (mechanic, welder, grease truck)
GROUP II - Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM & over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor farm type (under 50 HP with attachments) motorman and industrial locomotive operator, winch truck, front end loaders (under 2 CY), power plants which generate over 15 KW, welding machines
GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment; (refrigeration, slusher, jumbo forms), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants
GROUP IV - Front end loaders (2 thru 10 CY), rollers steel wheeled-all types, bulldozers, scrapers (motor or towed), elevating graders, concrete batching plants, self-propelled rollers -- equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushc.. (35¢ over basic rate, three bowl scraper (60¢ over basic rate)
GROUP V - Hydraulic cranes-with less than 50 feet of boom (20 tons and under), concrete paver-double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader
GROUP VI - Mucking machines - all types, motor grader (finish) mechanic - welder
GROUP VII - Steam engineers, loader (front end over 10 CY), concrete pump (snorkel type)

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION (CONT'D)

GROUP VIII - All shovel type equipment; cranes, draglines, backhoes, derricks, guy & stiff leg, pipemobile (No. 2 operator), piledriver, hydraulic cranes (20 tons & over), mine hoist, belt loader ("C.M.I." Type), boom & jibs 150 ft. through 199 ft. - 25¢ per hour above base pay 200 ft. and over - 50¢ per hour above base pay. Shove (wheel type), boring machine (tunnel or shaft mole), pipe mobile

SHEET METAL WORKERS ZONE & CLASSIFICATION DEFINITIONS

ZONE I - Bernalillo, Catron, Chaves, Colfax, Curry, De Baca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arribo, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.
ZONE IA - Any area within a five (5) mile radus of the city limits of Albuquerque, Santa Fe, Farmington, Roswell and Kirtland AFB, East and West; Rio Rancho; Paradise Hills; An area including ten (10) miles each direction east and west of interstate Highway 25 and extending north and south, terminating with but including, Santa Fe and Belen; an area identified by corner reference points beginning at and including Pojoaque, to Chimayo, to Velarde, to Abiquiu and back to Pojaque; An area identified by corner reference points beginning at the including Farmington to Aztec, to Bloomfield and back Farmington.
ZONE IB - Los Alamos County
ZONE IC - San Juan (except that area in Zone 1A)
ZONE ID - All area not in Zone iA, IB, or IC.
ZONE II - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.
ZONE IIA - Any area within a five (5) mile radus of the city limits of Carlsbad, Las Cruces, Artesia, Alamogordo, Hobbs and Sunland Park.
ZONE IIB - White Sands, Including Holloman, McGregor and Lyndon B. Johnson.
ZONE IIC - All area not in Zone IIA or IIB.

SOUND INSTALLERS ZONE DEFINITIONS

ZONE I - Thirty mile radius of main post office in Albuquerque
ZONE II - Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased for twelve and one-half (12½) percent of journeymen rate of pay for Zone I.
ZONE III - Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arribo, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I
ZONE IV - Eddy and Lea Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

TRUCK DRIVERS ZONE PAY BASING POINTS AND DEFINITIONS LISTED BELOW FOR BUILDING AND HEAVY CONSTRUCTION
BASING POINTS ARE AS FOLLOWS:
Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, Tucumcari

ZONE I - Shall be jobs or projects within 15 road miles from the starting points listed above
ZONE II - Shall be jobs or projects which are more than fifteen road miles, but less than thirty-five road miles from base points, also, includes all of Los Alamos Co.
ZONE III - Shall be those jobs or projects which are thirty-five road miles or more from the base points.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, HEAVY AND RESIDENTIAL CONSTRUCTION)

GROUP I - Pickup 3/4 ton and under, lubrication, light tire repair and washer, swamper, 2 or 4 and up.
GROUP II - Dump or batch truck under 8 C.Y.W.L.C.; flat bed (bobtail) 2 ton and under; warehouseman including material checker, fork lift under 5 tons MRC.
GROUP III - Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons
GROUP IV - Distributor driver, heavy tire repair, lumber carrier driver, young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment, scissor truck, bulk cement bobtail 2 or 3 axles, semi-trailer flatbed or van single axle, forklift 5 ton and over M.R.C.
GROUP V - Dumpsters and dumpcrete driver; water, fuel or oil truck 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.
GROUP VI - Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.
GROUP VII - Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump truck (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.
GROUP VIII - Euclid diesel power turnarocker; terra coba-DW20-Le-Tourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster-lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all
GROUP IX - Lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

DECISION NO. NM83-4032 PAGE 14

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Statewide (except heavy construction within the city of Muskogee)

DECISION NO. OK83-4031 DATE: Date of Publication

SUPERSEDES DECISION #OK82-4008 dated March 19, 1982 in 47 FR 12020

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities (but does not include building structures on highway rest areas).

	Basic Hourly Rates	Fringe Benefits
Carpenters	$7.00	
Carpenters helper	6.00	
Concrete finishers	7.15	
Concrete finishers helper	6.00	
Concrete rubber	6.05	
Electricians	14.05	
Electricians helper	9.56	
Form builder	6.60	
Form builder helper	5.70	
IRONWORKERS:		
Reinforcing steel setter paving and structures	6.63	
Reinforcing steel setter paving & structure helper	6.00	
Structural steel workers	6.50	
LABORERS:		
Air tool man	6.05	
Asphalt heaterman	5.75	
Asphalt raker	6.72	
Asphalt shoveler	5.13	
Form setter	6.60	
Form setter helper	6.35	
Laborers, common	5.00	
Pipelayers	6.95	
Powderman	6.20	
Powderman helper	5.35	
Vibrator (hand type)	5.00	
Manhole builder	7.06	
Mechanic	7.75	
Mechanic helper	6.50	
Painter	6.30	
Painter helper	5.25	
Piledriverman	5.90	
Traffic signal installer	6.70	
Weighman (truckscales)	4.75	
POWER EQUIPMENT OPERATORS:		
Asphalt distributor	6.30	
Asphalt paving machine	7.25	
Bulldozer	7.58	
Cement unloading and machine operator	5.25	
Concrete paving machine	7.25	
Concrete finishing machine	6.60	

POWER EQUIPMENT OPERATORS-(cont'd)	Basic Hourly Rates	Fringe Benefits
Concrete saw operator	$6.41	
Concrete batching plant	7.00	
Crane, clamshell, backhoe, derrick, dragline and shovel	7.50	
Crusher and screening plant operator	6.60	
Fireman	5.90	
FRONT END LOADERS:		
1 CY and less	7.00	
Over 1 CY	7.00	
Hoist	6.30	
Mixer (over 16 C. F.)	6.45	
Mixer (16 C. F. and less)	6.00	
Mixer (concrete paving)	6.60	
Motor grader operator	8.18	
Oiler	7.75	
Pavement profiler	7.25	
Power broom	5.85	
Pug mill operator	6.55	
Pumpcrete	5.90	
Roller (steel wheel)	6.60	
Scrapers	7.52	
Spreader boxman	5.25	
TRACTORS:		
Crawler, 80 HP & less	6.20	
Crawler, over 80 HP	7.70	
Pneumatic	6.59	
Traveling plant	6.35	
Trenching machine	6.50	
Wagon drill	6.10	
TRUCK DRIVERS:		
Over 2 tons	6.44	
2 tons and under	6.00	
Tandem axle & semitrailer	6.14	
Lowboy	6.05	
Transit mix	5.00	
Winch	5.90	

WELDERS: Receive rate prescribed for craft performing operation which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 83-9733 Filed 4-14-83; 8:45 am]

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federal register

Friday
April 15, 1983

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-83-1074]

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule and request for comments.

SUMMARY: This rule amends the Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for all market areas, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Revised Section 8 Fair Market Rents (FMRs) must be published at least annually in the **Federal Register.** HUD published the last annual revision of the FMRs for Section 8 New Construction and Substantial Rehabilitation on November 25, 1981 (46 FR 57838).

The amended Fair Market Rents reflect the changes which have occurred in the general level of market rents for recently completed or newly-constructed dwelling units of modest design within each market area since their last Annual or Special (Interim) Revision.

The Fair Market Rents applicable to the State of Virginia have been reduced both for the 2–4 story and for the 5=plus story elevator structural categories. An estimation error was discovered and correction had the effect of reducing the elevator rents for all Virginia market areas.

Accordingly, the revised schedules of elevator Fair Market Rents for all of the Virginia market areas now have been brought into closer alignment with those of other principal cities, such as Washington, D.C., Baltimore, MD, and Philadelphia, PA.

DATES: *Effective date:* After the comment due date set forth below, notice of the effective date of this rule will be published in the **Federal Register.**

Comments due: May 16, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 10278, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address and refer to the docket number and title shown in the heading of this rule and give reasons for any recommendation. A copy of each comment submitted will be available for public inspection in the Office of the Rules Docket Clerk during regular business hours. In order to expedite consideration of comments, a copy of each comment should also be sent to the HUD Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–5743. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff. They are estimates of rentals that prospective tenants who are not receiving federal rental subsidies would be willing to pay for recently completed or newly-constructed dwelling units of modest design.

Fiscal Year 1980 Fair Market Rents were subject to the financing adjustment Note published at 45 FR 40111 on June 13, 1980. Fiscal Year 1981 Fair Market Rents were subject to the financing adjustment published at 46 FR 51905 on October 23, 1981, and the later financing adjustment published at 47 FR 22520 on May 25, 1982. The publication of this rule does not affect the operation of the financing adjustment factor under these Notes. These financing adjustments will continue to be available as adjustments to the Fiscal Year 1980 and 1981 Fair Market Rents, where applicable, after publication of this rule.

The Fair Market Rents in Schedule A of this rule reflect trended rents in order to allow for the period of construction or rehabilitation.

This interim rule includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, elevator 2–4 story, and 5 plus story). Construction or rehabilitation of elevator projects for families with children is legally prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures have been listed in these schedules for appropriate market areas. However, the determination that there is "no practical alternative" must be made on a project-by-project basis.

Proposals involving combinations of structural types and unit sizes for which Fair Market Rents have not yet been published may not be approved until the applicable Fair Market Rents are published and become effective.

A 30-day public comment period is being provided from the date of publication. If evaluation of comments submitted during that period indicates a need to change any of the Fair Market Rents in Schedule A, such Fair Market Rents will be withdrawn or revised.

Interested parties may submit information with adequate documentation on Fair Market Rents at any time, even after expiration of the 30-day public comment period. This data will be considered in initiating interim revisions to Fair Market Rent schedules. In order to expedite consideration of comments, please send a copy of your comments to the HUD Field Office having jurisdiction for the market area involved.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is listed at 47 FR 48424 as item H–87–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Although this rule will have an effect on developers and owners of Section 8 projects, some

of whom may constitute small entities, it is not expected that the economic impact on them will be significant.

The Catalog of Federal Domestic Assistance Program number and title is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, Schedule A of Part 888 is revised to read as set forth below.

Authority: Sec. 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: March 10, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1984, to update the current Fair Market Rent schedules which these revised schedules will replace.

Note 1.—The Fair Market Rents for: (1) Dwelling units designed for the elderly or handcapped are those for appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05; (2) congregate housing dwelling units are the same as for noncongregate units; (3) single room occupancy dwelling units (applicable only for Substantial Rehabilitation projects) are 75 percent of those for zero bedroom units of the same structural type; (4) living units in a group home (each composed of a bedroom plus a proportionate part of common living space which is ordinarily included in a living unit) are those for zero bedroom or one bedroom units of the walkup structural type (or, if the group home contains an elevator, of the elevator 2–4 story structural type). In group homes, one bedroom Fair Market Rents may be applied only when the bedroom space plus the proportionate part of the common space is at least 450 square feet; (5) manufactured homes (unit and space) shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home Fair Market Rent is given on the schedule for the area, the amount on the schedule shall be the Fair Market Rent); (6) manufactured home spaces in newly-constructed or substantially rehabilitated manufactured home parks shall be the Fair Market Rents for spaces published for the Existing Housing Program under Schedule D, multiplied by 1.25.

Note 2.—In cases where the owner's application for Section 202/Section 8 assistance or owner's proposal for other Section 8 new construction or substantial rehabilitation assistance is accepted for processing by HUD (by FmHA in the case of assistance under Part 884; by the State Agency in the case of assistance under Part 883) prior to the effective date of this Rule, the applicable Fair Market Rent shall be the higher of: (1) The Fair Market Rent as determined under this schedule (and any interim revisions), or (2) the Fair Market Rent as determined under the schedule published on November 25, 1981 (and any interim revisions).

All rents computed in accordance with these notes shall be rounded down to the nearest whole dollar.

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON, MASSACHUSETTS AREA OFFICE

MARKET: BOSTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			700	899	976
SEMI-DETACHED/ROW		590	692	817	905
WALKUP	509	575	689	760	862
ELEVATOR 2-4 STY	528	641	740	1039	1140
ELEVATOR 5+ STY	528	641	740	1039	1140
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WORCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		650	831	923
	523	643	750	860
467	498	624	707	812
477	548	656		
500	577	690		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: FALL RIVER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		671	807	821
	520	658	797	807
485	502	621	711	745
501	520	634		
503	548	663		
EFFECTIVE DATE				100182
TRENDED DATE				100184

PREPARED ON 112982

HARTFORD, CONNECTICUT AREA OFFICE

MARKET: HARTFORD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			627	699	719
SEMI-DETACHED/ROW		513	596	677	698
WALKUP	425	493	561	633	653
ELEVATOR 2-4 STY	436	508	584		
ELEVATOR 5+ STY	452	555	642		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: NEW HAVEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		588	699	749
	502	558	677	728
425	476	552	613	633
436	492	589		
452	555	656		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: NEW LONDON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		599	669	698
	445	569	635	677
397	426	560	629	651
400	440	582		
423	485	599		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: NEW MILFORD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		555	618	635
	491	562	637	656
412	479	538	595	614
439	502	549		
454	523	603		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: WINDHAM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			515	573	590
SEMI-DETACHED/ROW		444	490	556	572
WALKUP	359	418	469	519	535
ELEVATOR 2-4 STY	403	438	479		
ELEVATOR 5+ STY	419	461	526		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BRIDGEPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		605	642	670
	505	575	621	649
457	486	542	602	623
468	500	568		
483	545	632		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: RIDGEFIELD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		709	747	774
	628	679	726	753
494	596	646	707	727
505	621	672		
520	633	733		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: NORWICH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		555	618	635
	491	562	635	656
411	479	538	595	614
429	496	549		
445	515	599		
EFFECTIVE DATE				100182
TRENDED DATE				100184

PREPARED ON 112982

MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE

MARKET: MAINE STATEWIDE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		510	575	656	761
SEMI-DETACHED/ROW	401	471	537	618	716
WALKUP	360	437	512	581	655
ELEVATOR 2-4 STY	402	481	605		
ELEVATOR 5+ STY	447	536	673		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: VERMONT STATE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	544	618	702	809
440	510	587	666	761
394	468	548	618	686
447	510	604		
496	566	671		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: NEW HAMPSHIRE ST.
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	508	568	655	761
432	481	541	620	719
381	428	491	559	635
402	487	561		
447	540	623		
EFFECTIVE DATE				100182
TRENDED DATE				100184

PREPARED ON 112982

PROVIDENCE, RHODE ISLAND SERVICE OFFICE

MARKET: PROVIDENCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			624	726	812
SEMI-DETACHED/ROW		460	530	589	634
WALKUP	345	448	518	577	622
ELEVATOR 2-4 STY	337	465	603		
ELEVATOR 5+ STY	343	471	609		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO, NEW YORK AREA OFFICE

MARKET: BUFFALO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			522	587	662
SEMI-DETACHED/ROW		414	456	535	619
WALKUP	328	364	423	497	529
ELEVATOR 2-4 STY	439	469	625		
ELEVATOR 5+ STY	476	503	662		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ELMIRA	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			503	583	646
		437	475	543	605
	342	354	445	515	584
	401	449	540		
	437	486	562		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: JAMESTOWN	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			513	576	646
		429	467	535	612
	351	382	433	497	573
	409	454	552		
	446	491	589		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ROCHESTER	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			501	561	622
		406	461	535	605
	313	356	427	483	544
	411	453	551		
	448	490	589		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ALBANY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			493	596	660
SEMI-DETACHED/ROW		364	435	529	585
WALKUP	310	354	415	488	553
ELEVATOR 2-4 STY	310	381	482		
ELEVATOR 5+ STY	337	417	519		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: PLATTSBURGH	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			501	591	652
		423	461	533	594
	333	365	423	493	562
	400	439	533		
	436	476	570		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: SYRACUSE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			508	613	678
		376	446	543	602
	310	366	428	502	562
	311	390	494		
	348	425	531		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: BINGHAMTON	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			490	591	653
		361	435	520	578
	308	352	413	485	548
	308	383	486		
	342	407	522		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

NEW YORK, NEW YORK AREA OFFICE

MARKET: NEW YORK CITY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED				720	873	972
SEMI-DETACHED/ROW		684	816	968	1182
WALKUP	533	641	757	906	1095
ELEVATOR 2-4 STY	568	731	731	984	1156
ELEVATOR 5+ STY	741	902	1002	1271	1453
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: SUFFOLK	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			720	873	972
	545	577	683	714	850
	437	509	613	667	737
	562	669	804		
	606	676	844		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: WESTCHESTER	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3	-4+
			817	954	1044
		584	684	842	916
	457	545	652	787	865
	566	656	795	930	
	612	726	845		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ORANGE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			667	757	824
		508	602	715	781
	355	502	571	669	739
	527	655	767		
	571	699	800		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ROCKLAND	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			808	876	941
SEMI-DETACHED/ROW		579	721	839	910
WALKUP	435	545	680	790	874
ELEVATOR 2-4 STY	486	585	726		
ELEVATOR 5+ STY	532	633	765		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: NASSAU	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			880	1003	1102
		625	804	912	1011
	473	601	728	836	926
	487	677	750		
	493	752	799		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: PUTNAM	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			781	897	976
		545	669	803	876
	410	516	574	718	834
	576	664	756		
	616	709	794		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: POUGHKEEPSIE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			665	776	887
		458	578	665	730
	366	436	576	618	686
	555	648	778		
	581	673	806		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK, NEW JERSEY AREA OFFICE

MARKET: NEWARK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			996	1111	1182
SEMI-DETACHED/ROW	564	627	794	920	1001
WALKUP	496	554	710	824	902
ELEVATOR 2-4 STY	572	636	810	943	1019
ELEVATOR 5+ STY	643	721	919	1076	1161
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORTH BERGEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		988	1105	1175
618	680	789	914	995
549	606	703	817	896
625	689	804	937	1012
696	774	913	1069	1154

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FREEHOLD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		915	1031	1101
555	618	718	841	920
487	543	635	743	823
562	626	730	864	938
633	711	839	996	1081

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CAMDEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ATLANTIC CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			841	951	1006
SEMI-DETACHED/ROW		565	642	766	842
WALKUP	449	502	568	680	752
ELEVATOR 2-4 STY	540	601	678	806	878
ELEVATOR 5+ STY	612	687	787	938	1021
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BURLINGTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GLOUCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TRENTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		891	1001	1068
	613	692	817	892
483	550	619	731	803
587	648	729	856	930
659	734	838	989	1072

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VINELAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			766	876	943
SEMI-DETACHED/ROW		498	568	692	767
WALKUP	356	424	494	606	678
ELEVATOR 2-4 STY	429	540	604	732	805
ELEVATOR 5+ STY	552	626	713	865	947
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ASBURY PARK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		878	995	1065
508	570	679	804	885
438	496	593	707	786
515	579	694	827	901
585	669	803	959	1044

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

CARIBBEAN AREA OFFICE

MARKET: SAN JUAN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			501	561	632
SEMI-DETACHED/ROW		407	451	511	566
WALKUP	310	369	435	511	562
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	357	404	455	522	582
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MAYAGUEZ
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		458	538	602
	406	449	530	601
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PONCE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		442	519	563
	414	442	519	563
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ARECIBO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		458	538	602
	406	449	530	601
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. CROIX
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			632	701	782
SEMI-DETACHED/ROW		531	585	659	747
WALKUP	364	465	519	581	642
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. THOMAS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		632	701	782
	531	585	659	747
371	472	530	592	656
388	490	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

BALTIMORE, MARYLAND AREA OFFICE

MARKET: BALTIMORE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			647	730	857
SEMI-DETACHED/ROW		450	524	605	803
WALKUP	366	450	518	616	701
ELEVATOR 2-4 STY	379	493	563		
ELEVATOR 5+ STY	419	517	659		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: HAGERSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			612	700	823
SEMI-DETACHED/ROW		425	496	598	769
WALKUP	348	428	490	591	673
ELEVATOR 2-4 STY	349	455	533		
ELEVATOR 5+ STY	403	497	623		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: SALISBURY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			594	655	768
SEMI-DETACHED/ROW		414	482	559	719
WALKUP	320	414	476	553	628
ELEVATOR 2-4 STY	331	454	518		
ELEVATOR 5+ STY	366	476	606		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

CHARLESTON, WEST VIRGINIA SERVICE OFFICE

MARKET: CHARLESTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			484	532	591
SEMI-DETACHED/ROW		449	461	579	648
WALKUP	320	385	447	457	516
ELEVATOR 2-4 STY	388	449	506		
ELEVATOR 5+ STY	393	455	512		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BLUEFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	507	565
SEMI-DETACHED/ROW		341	434	474	510
WALKUP	299	341	386	431	473
ELEVATOR 2-4 STY	363	431	482		
ELEVATOR 5+ STY	369	436	489		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: HUNTINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			439	530	576
SEMI-DETACHED/ROW		351	430	500	552
WALKUP	226	351	430	477	522
ELEVATOR 2-4 STY	343	407	488		
ELEVATOR 5+ STY	348	413	493		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: PARKERSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			411	474	521
SEMI-DETACHED/ROW		344	387	448	493
WALKUP	279	355	377	425	468
ELEVATOR 2-4 STY	353	425	515		
ELEVATOR 5+ STY	361	431	521		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WHEELING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			452	500	560
SEMI-DETACHED/ROW		376	426	487	537
WALKUP	299	353	411	452	492
ELEVATOR 2-4 STY	339	405	491		
ELEVATOR 5+ STY	344	411	496		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: MARTINSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			452	500	560
SEMI-DETACHED/ROW		376	426	479	537
WALKUP	288	350	411	452	510
ELEVATOR 2-4 STY	384	422	469		
ELEVATOR 5+ STY	390	427	475		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: FAIRMONT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	530	593
SEMI-DETACHED/ROW			450	507	568
WALKUP	297	370	433	477	
ELEVATOR 2-4 STY	405	445	496		
ELEVATOR 5+ STY	412	451	501		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: POINT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			410	472	516
SEMI-DETACHED/ROW		328	386	445	490
WALKUP	278	317	376	419	466
ELEVATOR 2-4 STY	351	419	469		
ELEVATOR 5+ STY	356	427	476		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

PHILADELPHIA, PENNSYLVANIA AREA OFFICE

MARKET: PHILADELPHIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			873	983	1051
SEMI-DETACHED/ROW		539	675	800	874
WALKUP	423	476	601	713	785
ELEVATOR 2-4 STY	514	575	711	839	912
ELEVATOR 5+ STY	585	660	821	972	1054
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: ALLENTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	561	656	724
SEMI-DETACHED/ROW		385	424	528	616	688
WALKUP		454	479	562		
ELEVATOR 2-4 STY		467	513	629		
ELEVATOR 5+ STY						
MANUFACTURED HOME						
EFFECTIVE DATE						100182
TRENDED DATE						100184

MARKET: BELLEFONTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			456	558	644	704
SEMI-DETACHED/ROW		363	444	519	614	660
WALKUP		395	461	572		
ELEVATOR 2-4 STY		439	495	611		
ELEVATOR 5+ STY						
MANUFACTURED HOME						
EFFECTIVE DATE						100182
TRENDED DATE						100184

MARKET: HARRISBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	506	645	704
SEMI-DETACHED/ROW		363	424	490	604	658
WALKUP		412	478	528		
ELEVATOR 2-4 STY		446	517	572		
ELEVATOR 5+ STY						
MANUFACTURED HOME						
EFFECTIVE DATE						100182
TRENDED DATE						100184

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		428	526	647	671
WALKUP	354	413	515	620	646
ELEVATOR 2-4 STY	429	496	644		
ELEVATOR 5+ STY	451	518	666		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: YORK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		428	526	647	671
WALKUP	354	413	515	620	646
ELEVATOR 2-4 STY	429	496	644		
ELEVATOR 5+ STY	451	518	666		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: READING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		451	539	648	721
WALKUP	359	433	518	612	671
ELEVATOR 2-4 STY	410	484	561		
ELEVATOR 5+ STY	444	531	622		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: SCRANTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		478	555	631	690
WALKUP	397	439	528	605	671
ELEVATOR 2-4 STY	450	522	589		
ELEVATOR 5+ STY	478	556	627		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WELLSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		456	558	644	704
WALKUP	363	444	519	614	660
ELEVATOR 2-4 STY	395	461	572		
ELEVATOR 5+ STY	439	495	611		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: DOVER, DEL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			556	697	753
SEMI-DETACHED/ROW		389	468	576	628
WALKUP	343	370	421	501	541
ELEVATOR 2-4 STY	349	428	506		
ELEVATOR 5+ STY	370	472	562		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WILMINGTON, DEL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			581	730	763
SEMI-DETACHED/ROW		424	518	622	682
WALKUP	351	406	479	557	597
ELEVATOR 2-4 STY	387	452	569		
ELEVATOR 5+ STY	411	524	581		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PITTSBURGH, PENNSYLVANIA AREA OFFICE

	MARKET: PITTSBURGH NUMBER OF BEDROOMS					MARKET: ERIE NUMBER OF BEDROOMS					MARKET: ALTOONA NUMBER OF BEDROOMS					MARKET: JOHNSTOWN NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			540	630	661			528	613	717			510	586	686			508	589	689
SEMI-DETACHED/ROW		462	514	600	702		458	503	578	676		438	481	499	653		440	484	561	656
WALKUP	359	427	504	571	668	316	390	453	521	594	321	396	483	555	634	332	409	471	542	618
ELEVATOR 2-4 STY	389	456	516			382	429	506			378	443	490			379	442	495		
ELEVATOR 5+ STY	402	470	549			394	442	538			386	456	522			388	456	528		
MANUFACTURED HOME																				
EFFECTIVE DATE			100182					100182					100182					100182		
TRENDED DATE			100184					100184					100184					100184		

PREPARED ON 112982

RICHMOND, VIRGINIA AREA OFFICE

	MARKET: RICHMOND NUMBER OF BEDROOMS					MARKET: NORFOLK NUMBER OF BEDROOMS					MARKET: VIRGINIA BEACH NUMBER OF BEDROOMS					MARKET: CHESAPEAKE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			460	536	589			475	562	612			475	562	612			475	562	612
SEMI-DETACHED/ROW		371	430	503	547		384	457	515	563		384	457	515	563		384	457	515	563
WALKUP	313	353	421	497	542	329	371	439	515	556	329	371	439	515	556	329	371	439	515	556
ELEVATOR 2-4 STY	343	383	451			359	401	469			359	401	469			359	401	469		
ELEVATOR 5+ STY	500	548	677			441	519	632			441	519	632			441	519	632		
MANUFACTURED HOME																				
EFFECTIVE DATE			100182					100182					100182					100182		
TRENDED DATE			100184					100184					100184					100184		

	MARKET: ROANOKE NUMBER OF BEDROOMS					MARKET: LYNCHBURG NUMBER OF BEDROOMS					MARKET: NEWPORT NEWS NUMBER OF BEDROOMS					MARKET: FREDERICKSBURG NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			449	528	594			449	528	594			458	558	611			494	571	653
SEMI-DETACHED/ROW		363	443	503	541		363	443	503	541		358	413	516	559		402	475	565	602
WALKUP	290	339	410	475	513	290	339	410	475	513	283	319	385	460	514	333	374	448	497	552
ELEVATOR 2-4 STY	320	369	440			320	369	440			313	349	415			363	404	478		
ELEVATOR 5+ STY	412	451	554			412	451	554			432	476	581			465	510	607		
MANUFACTURED HOME																				
EFFECTIVE DATE			100182					100182					100182					100182		
TRENDED DATE			100184					100184					100184					100184		

	MARKET: HARRISONBURG NUMBER OF BEDROOMS					MARKET: HAMPTON NUMBER OF BEDROOMS					MARKET: CHARLOTTESVILLE NUMBER OF BEDROOMS					MARKET: WARRENTON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED								458	558	611			494	571	653					
SEMI-DETACHED/ROW		363	423	493	547		358	413	516	559		402	475	565	602		363	423	493	547
WALKUP	282	334	415	478	531	283	319	385	460	514	333	374	448	497	552	282	334	415	478	531
ELEVATOR 2-4 STY	312	364	445			313	349	415			363	404	478			312	364	445		
ELEVATOR 5+ STY	400	452	563			432	476	581			465	510	607			400	452	563		
MANUFACTURED HOME																				
EFFECTIVE DATE			100182					100182					100182					100182		
TRENDED DATE			100184					100184					100184					100184		

	MARKET: PORTSMOUTH NUMBER OF BEDROOMS					MARKET: SUFFOLK NUMBER OF BEDROOMS					MARKET: DANVILLE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612			475	562	612			449	528	594
SEMI-DETACHED/ROW		384	457	515	563		384	457	515	563		363	443	503	541
WALKUP	329	371	439	515	556	329	371	439	515	556	290	339	410	475	513
ELEVATOR 2-4 STY	359	401	469			359	401	469			320	369	440		
ELEVATOR 5+ STY	441	519	632			441	519	632			412	451	554		
MANUFACTURED HOME															
EFFECTIVE DATE			100182					100182					100182		
TRENDED DATE			100184					100184					100184		

PREPARED ON 011983

WASHINGTON, D.C. AREA OFFICE

	MARKET: WASHINGTON D.C. NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			733	900	906
SEMI-DETACHED/ROW		515	612	666	753
WALKUP	359	476	565	654	724
ELEVATOR 2-4 STY	395	530	626	713	
ELEVATOR 5+ STY	408	540	720	820	
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

ATLANTA, GEORGIA AREA OFFICE

MARKET: ATLANTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			510	606	645
SEMI-DETACHED/ROW		427	484	583	620
WALKUP	389	413	472	571	607
ELEVATOR 2-4 STY	414	438	497		
ELEVATOR 5+ STY	464	494	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ALBANY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			473	547	583
SEMI-DETACHED/ROW		355	437	523	571
WALKUP	307	342	427	515	564
ELEVATOR 2-4 STY	335	369	454		
ELEVATOR 5+ STY	384	422	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET AUGUSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			397	466	505
SEMI-DETACHED/ROW		334	375	447	480
WALKUP	293	321	362	433	469
ELEVATOR 2-4 STY	319	346	387		
ELEVATOR 5+ STY	356	385	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET BRUNSWICK

STRUCTURE TYPE	NUMBER OF BEDROOMS 0	-1-	-2-	-3	-4+
DETACHED			431	518	564
SEMI-DETACHED/ROW		348	410	493	537
WALKUP	302	337	391	480	524
ELEVATOR 2-4 STY	328	363	417		
ELEVATOR 5+ STY	388	427	491		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			404	494	533
SEMI-DETACHED/ROW		325	376	469	500
WALKUP	280	313	365	457	489
ELEVATOR 2-4 STY	304	338	389		
ELEVATOR 5+ STY	365	409	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MACON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			413	447	497
SEMI-DETACHED/ROW		344	390	426	478
WALKUP	310	328	377	412	459
ELEVATOR 2-4 STY	336	355	404		
ELEVATOR 5+ STY	386	412	468		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROME

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			400	450	502
SEMI-DETACHED/ROW		295	359	426	474
WALKUP	251	284	348	412	463
ELEVATOR 2-4 STY	276	309	373		
ELEVATOR 5+ STY	326	359	423		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAVANNAH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	548	587
SEMI-DETACHED/ROW		356	444	521	564
WALKUP	311	344	419	510	548
ELEVATOR 2-4 STY	337	372	449		
ELEVATOR 5+ STY	401	445	531		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VALDOSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			388	443	507
SEMI-DETACHED/ROW		306	365	436	497
WALKUP	267	290	356	415	474
ELEVATOR 2-4 STY	296	320	386		
ELEVATOR 5+ STY	350	379	467		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

BIRMINGHAM, ALABAMA AREA OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	710	757
SEMI-DETACHED/ROW		349	402	486	511
WALKUP	302	338	395	466	505
ELEVATOR 2-4 STY	379	422	489		
ELEVATOR 5+ STY	397	433	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DOTHAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			517	606	648
SEMI-DETACHED/ROW		331	390	512	512
WALKUP	290	326	372	512	512
ELEVATOR 2-4 STY	379	422	466		
ELEVATOR 5+ STY	397	433	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLORENCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	680	725
SEMI-DETACHED/ROW		331	395	466	507
WALKUP	302	331	390	459	500
ELEVATOR 2-4 STY	379	422	489		
ELEVATOR 5+ STY	397	433	502		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HUNTSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	704	749
SEMI-DETACHED/ROW		347	414	489	532
WALKUP	290	342	409	476	524
ELEVATOR 2-4 STY	379	422	489		
ELEVATOR 5+ STY	397	433	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	690	736
SEMI-DETACHED/ROW		342	414	479	513
WALKUP	287	340	397	460	500
ELEVATOR 2-4 STY	379	422	488		
ELEVATOR 5+ STY	397	433	500		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MONTGOMERY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			529	611	666
SEMI-DETACHED/ROW		368	406	481	532
WALKUP	297	338	390	476	521
ELEVATOR 2-4 STY	379	422	489		
ELEVATOR 5+ STY	397	433	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TUSCALOOSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	710	757
SEMI-DETACHED/ROW		349	422	494	525
WALKUP	302	338	407	481	513
ELEVATOR 2-4 STY	379	422	480		
ELEVATOR 5+ STY	397	433	492		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA, SOUTH CAROLINA AREA AFFICE

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED	419	457	517	592	649
SEMI-DETACHED/ROW	399	437	497	572	629
WALKUP	384	422	477	552	604
ELEVATOR 2-4 STY	417	478	561		
ELEVATOR 5+ STY	439	500	583		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENWOOD
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MYRTLE BEACH
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	432	464	535	614	660
	412	444	515	594	640
	397	429	495	574	615
	429	490	589		
	451	512	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ORANGEBURG
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROCKHILL
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBIA
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	419	461	517	590	649
	399	441	500	570	629
	384	426	478	550	604
	417	478	561		
	439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: AIKEN
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ANDERSON
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	419	457	517	592	649
	399	437	497	572	629
	384	422	477	552	604
	417	478	561		
	439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BEAUFORT
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	432	464	535	614	660
	412	444	515	594	640
	397	429	495	574	615
	429	490	589		
	451	512	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHARLESTON
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	432	464	535	614	660
	412	444	515	594	640
	397	429	495	574	615
	429	490	589		
	451	512	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLORENCE
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SPARTANBURG
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	419	457	517	592	649
	399	437	497	572	629
	384	422	477	552	604
	417	478	561		
	439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORTH AUGUSTA
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
	408	444	500	600	644
	388	424	484	580	624
	373	409	467	560	599
	407	461	556		
	429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

GREENSBORO, NORTH CAROLINA AREA OFFICE

MARKET: GREENSBORO
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			464	542	612
		350	419	490	559
	327	350	419	490	559
	358	381	449		
	455	489	592		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ASHEVILLE
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			414	523	604
		334	385	486	554
	285	334	385	486	554
	318	366	416		
	414	466	550		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHARLOTTE
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			473	547	613
		370	439	508	587
	343	370	439	508	587
	375	401	470		
	457	490	587		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DURHAM
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			465	591	664
		348	430	549	615
	327	348	430	549	615
	358	379	459		
	454	494	600		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENVILLE
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			430	478	555
		324	391	438	506
	282	324	391	438	506
	311	354	422		
	390	453	542		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RALEIGH
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			505	600	675
		417	490	556	622
	365	417	490	556	622
	380	448	510		
	495	556	660		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WINSTON-SALEM
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			429	520	598
		341	394	490	552
	293	341	394	486	548
	321	368	425		
	435	466	558		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FAYETTEVILLE
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			401	469	537
		317	372	433	498
	277	317	372	433	498
	304	346	403		
	382	429	509		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WILMINGTON
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			419	490	557
		327	394	448	513
	282	327	394	448	513
	310	346	425		
	406	451	541		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ELIZABETH CITY
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			503	573	643
		398	467	530	593
	348	398	467	530	593
	376	427	495		
	472	530	632		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON, MISSISSIPPI AREA OFFICE

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			466	552	638
SEMI-DETACHED/ROW		396	460	533	612
WALKUP	331	379	449	517	570
ELEVATOR 2-4 STY	487	522	628		
ELEVATOR 5+ STY	503	538	647		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: CORINTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	472	545
SEMI-DETACHED/ROW		305	363	456	528
WALKUP	248	296	358	450	510
ELEVATOR 2-4 STY	389	448	544		
ELEVATOR 5+ STY	403	464	565		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			452	478	549
SEMI-DETACHED/ROW		369	428	484	539
WALKUP	320	350	415	432	497
ELEVATOR 2-4 STY	458	500	608		
ELEVATOR 5+ STY	475	517	633		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	468	534
SEMI-DETACHED/ROW		370	413	453	534
WALKUP	307	354	410	446	502
ELEVATOR 2-4 STY	440	505	582		
ELEVATOR 5+ STY	457	524	606		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: GULFPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			424	497	568
SEMI-DETACHED/ROW		364	419	490	520
WALKUP	317	335	381	466	520
ELEVATOR 2-4 STY	471	505	596		
ELEVATOR 5+ STY	484	525	618		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: HATTIESBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			409	491	577
SEMI-DETACHED/ROW		344	402	474	540
WALKUP	298	325	390	458	511
ELEVATOR 2-4 STY	433	479	570		
ELEVATOR 5+ STY	447	498	591		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: SOUTHAVEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			445	515	586
SEMI-DETACHED/ROW		372	424	502	577
WALKUP	290	367	424	491	565
ELEVATOR 2-4 STY	416	505	608		
ELEVATOR 5+ STY	434	524	631		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

JACKSONVILLE, FLORIDA AREA OFFICE

MARKET: JACKSONVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			573	646	719
SEMI-DETACHED/ROW	367	422	509	587	645
WALKUP	338	393	470	541	611
ELEVATOR 2-4 STY	413	466	563		
ELEVATOR 5+ STY	474	520	625		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: PENSACOLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			536	617	671
SEMI-DETACHED/ROW	379	434	518	586	645
WALKUP	335	389	470	539	611
ELEVATOR 2-4 STY	402	457	549		
ELEVATOR 5+ STY	455	502	599		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: KEY WEST

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			648	716	788
SEMI-DETACHED/ROW	514	586	646	706	776
WALKUP	449	509	599	650	721
ELEVATOR 2-4 STY	540	607	723		
ELEVATOR 5+ STY	629	698	814		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: MIAMI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			648	716	788
SEMI-DETACHED/ROW	514	586	646	706	776
WALKUP	449	509	599	650	721
ELEVATOR 2-4 STY	540	607	723		
ELEVATOR 5+ STY	629	698	814		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: TAMPA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			660	690	791
SEMI-DETACHED/ROW	375	429	523	582	650
WALKUP	344	406	480	541	602
ELEVATOR 2-4 STY	431	490	590		
ELEVATOR 5+ STY	495	554	654		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ORLANDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			634	704	776
SEMI-DETACHED/ROW	364	417	513	572	638
WALKUP	340	395	466	528	594
ELEVATOR 2-4 STY	417	478	578		
ELEVATOR 5+ STY	484	539	638		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

LOUISVILLE, KENTUCKY AREA OFFICE

MARKET: LOUISVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			501	568	637
SEMI-DETACHED/ROW		425	480	539	602
WALKUP	346	377	442	524	582
ELEVATOR 2-4 STY	376	407	471		
ELEVATOR 5+ STY	451	494	589		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ASHLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	540	606
SEMI-DETACHED/ROW		393	453	514	579
WALKUP	351	384	439	499	558
ELEVATOR 2-4 STY	382	413	470		
ELEVATOR 5+ STY	459	500	594		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: COVINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	570	656
SEMI-DETACHED/ROW		393	453	522	600
WALKUP	351	384	439	499	558
ELEVATOR 2-4 STY	382	413	470		
ELEVATOR 5+ STY	464	500	600		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: OWENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			501	564	628
SEMI-DETACHED/ROW		399	480	539	602
WALKUP	343	374	442	524	582
ELEVATOR 2-4 STY	376	395	471		
ELEVATOR 5+ STY	427	479	590		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: PADUCAH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			501	565	631
SEMI-DETACHED/ROW		403	480	540	604
WALKUP	345	377	442	524	582
ELEVATOR 2-4 STY	376	407	471		
ELEVATOR 5+ STY	438	481	574		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: PIKEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			526	616	700
SEMI-DETACHED/ROW		411	501	584	659
WALKUP	356	390	474	566	609
ELEVATOR 2-4 STY	392	420	503		
ELEVATOR 5+ STY	452	495	600		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

KNOXVILLE, TENNESSEE AREA OFFICE

MARKET: KNOXVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			430	515	545
SEMI-DETACHED/ROW		373	415	500	530
WALKUP	340	358	405	490	520
ELEVATOR 2-4 STY	363	385	430		
ELEVATOR 5+ STY	385	410	455		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHATTANOOGA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		465	510	540
	405	455	495	530
375	390	445	485	515
395	415	465		
420	440	490		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JOHNSON CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		430	500	525
	346	420	490	515
313	329	405	475	505
341	358	439		
363	385	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KINGSPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		430	500	525
	346	420	490	515
313	329	405	475	505
341	358	439		
363	385	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OAKRIDGE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			430	515	545
SEMI-DETACHED/ROW		373	415	500	530
WALKUP	340	358	405	490	520
ELEVATOR 2-4 STY	363	385	430		
ELEVATOR 5+ STY	385	410	455		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

NASHVILLE, TENNESSEE SERVICE OFFICE

MARKET: NASHVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			439	512	550
SEMI-DETACHED/ROW		373	424	500	539
WALKUP	319	356	417	495	534
ELEVATOR 2-4 STY	324	380	424		
ELEVATOR 5+ STY	329	390	439		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CLARKSVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		403	473	512
	329	385	461	500
280	319	380	456	495
285	335	385		
291	346	402		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		403	460	503
	297	351	453	484
247	291	341	439	478
253	307	348		
263	329	380		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MEMPHIS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		395	452	528
	331	377	425	481
255	285	333	400	431
297	356	419		
335	394	457		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JACKSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			377	439	518
SEMI-DETACHED/ROW		301	354	408	474
WALKUP	248	285	344	398	453
ELEVATOR 2-4 STY	303	326	409		
ELEVATOR 5+ STY	340	361	449		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: UNION CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		360	419	494
	287	338	389	452
237	272	328	380	432
289	344	436		
324	382	475		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO, ILLINOIS AREA OFFICE

MARKET: CHICAGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			699	830	957
SEMI-DETACHED/ROW		589	692	770	863
WALKUP	429	495	591	708	743
ELEVATOR 2-4 STY	458	538	634	754	755
ELEVATOR 5+ STY	496	620	737	765	809
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BELLEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	671	747
SEMI-DETACHED/ROW		466	522	589	680
WALKUP	347	412	476	537	594
ELEVATOR 2-4 STY	370	437	509		
ELEVATOR 5+ STY	436	479	556		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: MOLINE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			629	750	829
SEMI-DETACHED/ROW		511	577	684	758
WALKUP	394	457	521	624	655
ELEVATOR 2-4 STY	432	482	554		
ELEVATOR 5+ STY	459	500	600		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			648	725	803
SEMI-DETACHED/ROW		474	539	602	681
WALKUP	360	414	480	543	602
ELEVATOR 2-4 STY	383	442	513		
ELEVATOR 5+ STY	428	480	562		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: EAST ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	590	664
SEMI-DETACHED/ROW		411	488	548	625
WALKUP	321	370	445	500	556
ELEVATOR 2-4 STY	341	395	476		
ELEVATOR 5+ STY	412	467	565		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

CINCINNATI, OHIO SERVICE OFFICE

MARKET: CINCINNATI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			623	770	802
SEMI-DETACHED/ROW		442	503	603	664
WALKUP	310	365	459	522	602
ELEVATOR 2-4 STY	341	455	542		
ELEVATOR 5+ STY	474	558	634		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: DAYTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			562	709	784
SEMI-DETACHED/ROW		381	442	530	597
WALKUP	316	371	434	497	555
ELEVATOR 2-4 STY	347	461	550		
ELEVATOR 5+ STY	480	564	609		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

CLEVELAND, OHIO SERVICE OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			702	761	821
SEMI-DETACHED/ROW		492	534	603	648
WALKUP	405	436	421	543	589
ELEVATOR 2-4 STY	409	459	551		
ELEVATOR 5+ STY	444	484	579		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			687	752	805
SEMI-DETACHED/ROW		478	531	606	638
WALKUP	379	408	464	543	585
ELEVATOR 2-4 STY	401	435	565		
ELEVATOR 5+ STY	421	459	575		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			636	682	732
SEMI-DETACHED/ROW		455	514	581	615
WALKUP	370	400	448	526	562
ELEVATOR 2-4 STY	372	403	535		
ELEVATOR 5+ STY	376	425	504		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			658	719	769
SEMI-DETACHED/ROW		463	514	583	619
WALKUP	363	400	449	524	564
ELEVATOR 2-4 STY	371	406	530		
ELEVATOR 5+ STY	392	417	556		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			619	679	723
SEMI-DETACHED/ROW		407	496	565	600
WALKUP	316	348	434	511	549
ELEVATOR 2-4 STY	326	358	505		
ELEVATOR 5+ STY	347	381	540		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			735	834	909
SEMI-DETACHED/ROW		504	583	678	750
WALKUP	377	416	490	596	634
ELEVATOR 2-4 STY	403	459	549		
ELEVATOR 5+ STY	395	448	538		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			615	678	724
SEMI-DETACHED/ROW		450	480	553	587
WALKUP	352	385	417	496	536
ELEVATOR 2-4 STY	365	404	515		
ELEVATOR 5+ STY	378	427	538		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

COLUMBUS, OHIO AREA OFFICE

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			638	720	751
SEMI-DETACHED/ROW		363	438	486	537
WALKUP	285	361	418	479	543
ELEVATOR 2-4 STY	339	409	476		
ELEVATOR 5+ STY	473	542	648		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ATHENS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SIDNEY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ZANESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

DETROIT, MICHIGAN AREA OFFICE

MARKET: DETROIT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLINT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	608	658
SEMI-DETACHED/ROW		460	500	557	598
WALKUP	328	389	453	511	572
ELEVATOR 2-4 STY	365	435	486		
ELEVATOR 5+ STY	411	467	552		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAGINAW

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	608	658
SEMI-DETACHED/ROW		460	500	557	598
WALKUP	328	389	453	511	572
ELEVATOR 2-4 STY	365	435	486		
ELEVATOR 5+ STY	411	467	552		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ANN ARBOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: YPSILANTI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

GRAND RAPIDS, MICHIGAN SERVICE OFFICE

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			539	634	665
SEMI-DETACHED/ROW		422	498	588	619
WALKUP	316	371	452	522	542
ELEVATOR 2-4 STY	352	407	483		
ELEVATOR 5+ STY	398	453	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GRAND RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			523	618	648
SEMI-DETACHED/ROW		420	483	573	603
WALKUP	315	363	438	505	528
ELEVATOR 2-4 STY	345	405	461		
ELEVATOR 5+ STY	383	446	495		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BENTON HARBOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			502	597	628
SEMI-DETACHED/ROW		395	461	551	582
WALKUP	289	344	415	485	505
ELEVATOR 2-4 STY	325	380	446		
ELEVATOR 5+ STY	371	426	487		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BATTLE CREEK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			547	643	677
SEMI-DETACHED/ROW		432	501	598	641
WALKUP	312	372	461	530	550
ELEVATOR 2-4 STY	351	416	484		
ELEVATOR 5+ STY	393	455	510		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			543	645	684
SEMI-DETACHED/ROW		442	501	593	636
WALKUP	340	393	479	549	569
ELEVATOR 2-4 STY	361	421	493		
ELEVATOR 5+ STY	390	465	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MUSKEGON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			531	626	657
SEMI-DETACHED/ROW		432	490	580	611
WALKUP	316	380	444	514	534
ELEVATOR 2-4 STY	351	416	475		
ELEVATOR 5+ STY	390	455	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TRAVERSE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			567	664	695
SEMI-DETACHED/ROW		453	524	615	646
WALKUP	340	409	475	545	565
ELEVATOR 2-4 STY	369	436	507		
ELEVATOR 5+ STY	431	498	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MARQUETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			493	590	621
SEMI-DETACHED/ROW		432	450	541	572
WALKUP	314	372	401	471	491
ELEVATOR 2-4 STY	361	416	433		
ELEVATOR 5+ STY	409	464	477		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			553	648	678
SEMI-DETACHED/ROW		436	513	603	633
WALKUP	319	383	468	538	558
ELEVATOR 2-4 STY	361	421	498		
ELEVATOR 5+ STY	408	466	527		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

INDIANAPOLIS, INDIANA AREA OFFICE

MARKET: INDIANAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			541	625	696
SEMI-DETACHED/ROW		384	465	536	579
WALKUP	322	365	430	496	533
ELEVATOR 2-4 STY	366	394	472		
ELEVATOR 5+ STY	455	503	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BLOOMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			528	583	647
SEMI-DETACHED/ROW		364	437	492	556
WALKUP	303	346	413	465	515
ELEVATOR 2-4 STY	347	373	445		
ELEVATOR 5+ STY	435	484	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EVANSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			508	571	638
SEMI-DETACHED/ROW		382	448	514	573
WALKUP	302	345	408	463	512
ELEVATOR 2-4 STY	344	373	446		
ELEVATOR 5+ STY	421	472	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT WAYNE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			524	586	655
SEMI-DETACHED/ROW		370	443	493	552
WALKUP	303	343	407	457	504
ELEVATOR 2-4 STY	342	371	445		
ELEVATOR 5+ STY	433	479	558		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HAMMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			555	619	671
SEMI-DETACHED/ROW		424	499	561	638
WALKUP	353	401	466	523	569
ELEVATOR 2-4 STY	401	428	497		
ELEVATOR 5+ STY	475	531	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAFAYETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	612	677
SEMI-DETACHED/ROW		379	454	511	575
WALKUP	317	360	428	479	528
ELEVATOR 2-4 STY	365	387	457		
ELEVATOR 5+ STY	459	508	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOUTH BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			539	606	678
SEMI-DETACHED/ROW		392	465	531	599
WALKUP	306	348	417	471	520
ELEVATOR 2-4 STY	347	376	455		
ELEVATOR 5+ STY	438	487	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TERRE HAUTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			540	599	667
SEMI-DETACHED/ROW		377	454	511	575
WALKUP	312	359	423	475	532
ELEVATOR 2-4 STY	364	395	451		
ELEVATOR 5+ STY	439	498	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GARY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			555	607	669
SEMI-DETACHED/ROW		420	484	559	635
WALKUP	345	394	458	522	561
ELEVATOR 2-4 STY	392	422	496		
ELEVATOR 5+ STY	435	483	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MILWAUKEE, WISCONSIN AREA OFFICE

MARKET: MADISON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			655	742	787
SEMI-DETACHED/ROW		473	549	675	721
WALKUP	349	403	482	602	
ELEVATOR 2-4 STY	369	423	502	622	
ELEVATOR 5+ STY	481	543	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: REEDSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			611	694	738
SEMI-DETACHED/ROW		445	516	623	666
WALKUP	324	379	454	572	
ELEVATOR 2-4 STY	344	399	474		
ELEVATOR 5+ STY	468	528	633		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SUPERIOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			631	708	754
SEMI-DETACHED/ROW		454	526	647	694
WALKUP	328	394	459	583	
ELEVATOR 2-4 STY	348	414	479		
ELEVATOR 5+ STY	476	541	652		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MILWAUKEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			679	764	817
SEMI-DETACHED/ROW		506	589	703	741
WALKUP	369	422	512	621	
ELEVATOR 2-4 STY	389	439	531	640	
ELEVATOR 5+ STY	508	570	695		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EAU CLAIRE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	667	709
SEMI-DETACHED/ROW		431	489	607	642
WALKUP	318	368	431	541	
ELEVATOR 2-4 STY	340	391	454	560	
ELEVATOR 5+ STY	452	508	603		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREEN BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	647	691
SEMI-DETACHED/ROW		401	479	585	629
WALKUP	292	345	427	526	
ELEVATOR 2-4 STY	312	365	446	544	
ELEVATOR 5+ STY	430	468	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WAUSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	653	688
SEMI-DETACHED/ROW		422	489	587	632
WALKUP	313	366	435	536	
ELEVATOR 2-4 STY	333	386	454	555	
ELEVATOR 5+ STY	447	499	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE

	MARKET: MINNEAPOLIS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		423	517	587	656
WALKUP	312	363	427	545	565
ELEVATOR 2-4 STY	350	410	517		
ELEVATOR 5+ STY	397	503	613		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: DULUTH NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		424	526	625	727
	307	365	465	572	603
	351	409	533		
	360	441	582		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: MANKATO NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		424	489	556	622
	306	342	426	491	519
	338	375	439		
	397	492	604		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ROCHESTER NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		423	494	572	636
	313	349	430	495	524
	341	378	446		
	400	503	587		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ST. CLOUD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		379	449	535	620
WALKUP	269	321	389	485	516
ELEVATOR 2-4 STY	292	333	401		
ELEVATOR 5+ STY	414	485	592		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: WORTHINGTON NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		359	425	506	590
	254	303	367	457	498
	278	315	379		
	398	472	554		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

	MARKET: DALLAS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			565	736	807
SEMI-DETACHED/ROW	363	390	493	581	678
WALKUP	304	356	468	540	629
ELEVATOR 2-4 STY	321	403	508		
ELEVATOR 5+ STY	450	540	719		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: SHERMAN NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			493	563	617
	265	298	377	444	519
	235	279	358	413	481
	246	308	388		
	344	413	549		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: TYLER NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			512	665	729
	325	353	446	526	613
	267	331	421	488	569
	290	364	459		
	406	488	649		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: WACO NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			448	583	639
	276	310	391	461	537
	244	298	371	428	499
	254	319	403		
	357	428	570		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: MARSHALL NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			512	665	729
SEMI-DETACHED/ROW	325	353	446	526	613
WALKUP	267	331	421	488	569
ELEVATOR 2-4 STY	290	364	459		
ELEVATOR 5+ STY	406	488	649		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: FORT WORTH NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			509	662	726
	318	352	444	513	610
	277	333	421	486	566
	289	362	457		
	405	486	647		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: WICHITA FALLS NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			487	633	695
	303	337	425	501	584
	269	323	403	465	542
	276	347	437		
	388	465	619		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: SAN ANGELO NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			491	638	700
	306	340	428	504	588
	267	323	406	469	546
	279	350	441		
	391	469	624		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ABILENE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			509	660	725
SEMI-DETACHED/ROW	349	350	443	522	608
WALKUP	276	328	424	486	565
ELEVATOR 2-4 STY	288	362	455		
ELEVATOR 5+ STY	404	486	642		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: LUBBOCK NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			480	624	684
	298	332	418	493	575
	261	320	397	458	534
	272	342	431		
	382	458	609		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: AMARILLO NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			471	613	672
	291	326	411	484	565
	256	322	390	450	525
	268	336	423		
	375	450	599		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: EL PASO NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			464	604	662
	286	321	405	477	556
	252	316	384	443	517
	263	331	417		
	369	443	590		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: MIDLAND NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			543	707	776
SEMI-DETACHED/ROW	375	376	474	559	653
WALKUP	297	348	429	519	605
ELEVATOR 2-4 STY	337	387	488		
ELEVATOR 5+ STY	432	519	691		
MANUFACTURED HOME					
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ODESSA NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			543	707	776
	375	376	474	559	653
	297	348	429	519	605
	337	387	488		
	432	519	691		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ALBUQUERQUE NM NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			482	628	690
	299	333	422	496	579
	262	306	398	461	537
	275	344	432		
	385	461	614		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

	MARKET: ISLETA NM NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			482	628	690
	299	333	422	496	579
	262	306	398	461	537
	275	344	432		
	385	461	614		
	EFFECTIVE DATE 100182				
	TRENDED DATE 100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: ALAMOGORDO NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	643
SEMI-DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MESCALERO NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		428	556	643
208	295	372	439	512
232	277	353	408	475
242	304	383		
341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ARTESIA NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		411	534	586
274	312	360	423	494
230	280	339	391	456
250	292	368		
327	391	521		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CARLSBAD NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		411	534	586
274	312	360	423	494
230	280	339	391	456
250	292	368		
327	391	521		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT SUMNER NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			376	489	536
SEMI-DETACHED/ROW	222	291	331	389	464
WALKUP	217	263	311	359	418
ELEVATOR 2-4 STY	235	272	343		
ELEVATOR 5+ STY	299	359	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GALLUP NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		482	628	690
299	335	422	496	579
262	306	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAGUNA NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		482	628	690
299	335	422	496	579
262	306	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HOBBS NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		493	641	703
318	339	429	506	590
367	319	407	470	548
279	349	442		
391	470	626		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAS CRUCES NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAS VEGAS NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LOS ALAMOS NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RATON NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOCORRO NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	628	690
SEMI-DETACHED/ROW	299	333	422	496	579
WALKUP	262	306	398	461	537
ELEVATOR 2-4 STY	275	344	432		
ELEVATOR 5+ STY	385	461	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RUIDOSO NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		428	556	613
208	295	372	439	512
232	277	353	408	475
242	304	383		
341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA FE NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: POJOAQUE NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

DALLAS, TEXAS AREA OFFICE

MARKET: SILVER CITY NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TRUTH OR CONSEQ NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		428	556	613
208	295	372	439	512
232	277	353	408	475
242	304	383		
341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TIERRA AMARI NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		482	628	690
312	333	422	496	579
262	312	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DULCE NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		482	628	690
312	333	422	496	579
262	312	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JEMEZ NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	628	690
SEMI-DETACHED/ROW	299	333	422	496	579
WALKUP	262	306	398	461	537
ELEVATOR 2-4 STY	275	344	432		
ELEVATOR 5+ STY	385	461	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TAOS NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PENASCO NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FARMINGTON NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		519	676	742
321	359	452	534	623
281	335	429	496	578
295	370	466		
413	496	660		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CLOVIS NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			376	489	536
SEMI-DETACHED/ROW	222	291	331	389	464
WALKUP	217	263	311	359	418
ELEVATOR 2-4 STY	235	272	343		
ELEVATOR 5+ STY	299	359	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

HOUSTON, TEXAS SERVICE OFFICE

MARKET: HOUSTON

NUMBER OF BEDROOMS-				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			594	734	850
SEMI-DETACHED/ROW		401	521	654	745
WALKUP	321	384	486	599	664
ELEVATOR 2-4 STY	386	537	582		
ELEVATOR 5+ STY	489	570	660		
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

MARKET: BEAUMONT

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		540	667	805
	384	454	570	758
306	354	435	539	656
406	425	522		
484	514	624		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: BRYAN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		700	823	936
	473	608	707	872
302	359	466	548	650
423	476	614		
503	560	724		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: LUFKIN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		543	638	781
	394	495	574	702
285	334	412	482	588
337	412	508		
447	486	597		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: EL CAMPO

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		556	665	801
	340	454	554	688
292	332	429	520	623
339	398	516		
413	487	601		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: TEXAS CITY

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		572	695	821
	392	490	624	746
307	385	490	589	678
389	461	587		
489	570	660		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

PREPARED ON 112982

LITTLE ROCK, ARKANSAS AREA OFFICE

MARKET: FAYETTEVILLE

NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			460	551	602
SEMI-DETACHED/ROW	318	380	443	533	580
WALKUP	299	349	418	502	546
ELEVATOR 2-4 STY	321	374	449		
ELEVATOR 5+ STY	395	448	525		
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

MARKET: LITTLE ROCK

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		480	562	636
331	384	462	534	594
302	374	422	525	578
325	402	456		
398	451	534		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: TEXARKANA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		442	553	626
306	344	426	516	574
291	334	412	507	555
317	361	445		
395	448	525		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: FORT SMITH

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		426	515	587
286	323	409	472	529
271	312	383	460	504
296	339	415		
394	450	537		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: JONESBORO

NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			430	528	596
SEMI-DETACHED/ROW	299	341	419	511	573
WALKUP	277	328	395	482	526
ELEVATOR 2-4 STY	306	356	438		
ELEVATOR 5+ STY	389	442	521		
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

PREPARED ON 112982

NEW ORLEANS, LOUISIANA AREA OFFICE

MARKET: NEW ORLEANS

NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			547	648	765
SEMI-DETACHED/ROW		392	472	577	691
WALKUP	295	367	445	547	634
ELEVATOR 2-4 STY	306	385	475		
ELEVATOR 5+ STY	511	569	625		
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

MARKET: LAKE CHARLES

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		573	679	782
	451	554	666	738
352	414	502	607	682
371	432	521		
501	555	698		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: LAFAYETTE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		516	658	741
	393	494	646	713
285	368	466	612	664
303	386	482		
460	534	681		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: BATON ROUGE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		512	642	720
	411	500	628	700
306	364	445	562	626
324	386	482		
505	585	714		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: HOUMA

NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			505	606	722
SEMI-DETACHED/ROW		398	495	594	662
WALKUP	324	371	465	558	627
ELEVATOR 2-4 STY	342	389	481		
ELEVATOR 5+ STY	459	513	647		
MANUFACTURED HOME					
EFFECTIVE DATE			100182		
TRENDED DATE			100184		

MARKET: SHREVEPORT

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		443	527	612
	328	422	516	585
256	300	392	481	531
334	361	410		
388	442	566		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: ALEXANDRIA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		395	469	536
	313	389	458	519
254	297	376	443	490
307	339	393		
382	433	542		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

MARKET: MONROE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		404	511	581
	312	377	503	564
257	300	370	494	542
303	360	388		
387	437	543		
EFFECTIVE DATE		100182		
TRENDED DATE		100184		

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY, OKLAHOMA AREA OFFICE

MARKET: OKLAHOMA CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			446	543	607
SEMI-DETACHED/ROW		365	432	531	596
WALKUP	289	312	372	467	516
ELEVATOR 2-4 STY	300	333	394		
ELEVATOR 5+ STY	306	361	427		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ADA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		471	556	606
	360	458	542	593
282	307	397	477	513
314	345	423		
326	360	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ARDMORE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		469	553	603
	354	455	539	590
274	302	397	477	513
299	327	419		
326	360	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ENID
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		495	544	606
	390	480	532	593
246	331	414	457	496
276	362	457		
299	388	481		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GUYMON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			490	513	576
SEMI-DETACHED/ROW		340	416	498	560
WALKUP	256	284	354	427	471
ELEVATOR 2-4 STY	267	300	391		
ELEVATOR 5+ STY	309	342	422		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAWTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		515	541	620
	416	502	530	607
324	364	485	459	520
356	401	488		
377	422	512		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SHAWNEE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		443	454	500
	337	402	442	486
253	281	340	370	405
263	297	376		
305	339	407		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: STILLWATER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		427	492	554
	353	414	479	536
251	300	353	410	453
275	316	387		
304	358	421		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WOODWARD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			457	550	599
SEMI-DETACHED/ROW		355	446	530	586
WALKUP	275	302	384	457	497
ELEVATOR 2-4 STY	287	318	423		
ELEVATOR 5+ STY	327	360	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BARTLESVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		415	488	541
	332	403	474	528
274	299	347	416	454
283	305	356		
291	321	403		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MC ALESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		412	478	527
	301	400	466	514
212	239	332	388	429
223	255	349		
265	297	394		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MUSKOGEE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		375	433	490
	333	362	421	476
244	271	301	373	404
255	287	313		
297	328	358		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TULSA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			477	544	618
SEMI-DETACHED/ROW		373	465	532	604
WALKUP	291	339	405	469	523
ELEVATOR 2-4 STY	299	354	427		
ELEVATOR 5+ STY	311	403	536		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SAN ANTONIO, TEXAS AREA OFFICE

MARKET: SAN ANTONIO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			583	706	802
SEMI-DETACHED/ROW	334	396	513	638	710
WALKUP	288	338	429	526	615
ELEVATOR 2-4 STY	352	413	546		
ELEVATOR 5+ STY	481	576	793		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: AUSTIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		608	729	810
353	427	546	660	775
305	365	453	547	649
374	444	572		
510	614	826		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CORPUS CHRISTY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		585	728	847
366	453	551	654	770
316	388	455	546	651
387	465	573		
527	641	835		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EAGLE PASS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		551	717	764
332	408	509	640	731
283	337	405	504	604
361	417	527		
498	594	779		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HARLINGEN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			561	689	818
SEMI-DETACHED/ROW	325	400	511	636	762
WALKUP	275	328	398	493	593
ELEVATOR 2-4 STY	339	399	520		
ELEVATOR 5+ STY	483	584	785		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAREDO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		539	703	764
324	397	497	626	731
275	328	393	490	586
353	408	515		
490	585	779		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VICTORIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		586	728	847
389	481	560	654	770
339	416	488	595	698
410	493	606		
550	669	846		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DEL RIO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		547	713	764
329	403	505	636	731
280	334	401	500	598
358	414	523		
495	591	787		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES, IOWA SERVICE OFFICE

MARKET: DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			551	636	734
SEMI-DETACHED/ROW		398	477	536	614
WALKUP	305	351	407	458	507
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BETTENDORF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	645	745
SEMI-DETACHED/ROW		413	486	545	624
WALKUP	312	358	417	468	520
ELEVATOR 2-4 STY	381	435	498		
ELEVATOR 5+ STY	414	477	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CEDAR RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	645	746
SEMI-DETACHED/ROW		395	468	534	615
WALKUP	305	349	406	466	531
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	479	541		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COUNCIL BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	583	674
SEMI-DETACHED/ROW		380	454	511	581
WALKUP	285	328	386	431	477
ELEVATOR 2-4 STY	361	409	470		
ELEVATOR 5+ STY	392	450	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	385	442	505		
ELEVATOR 5+ STY	419	484	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MASON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			538	621	720
SEMI-DETACHED/ROW		405	486	545	624
WALKUP	288	332	389	448	511
ELEVATOR 2-4 STY	383	439	503		
ELEVATOR 5+ STY	419	484	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SIOUX CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	621	719
SEMI-DETACHED/ROW		403	484	543	622
WALKUP	289	332	391	449	521
ELEVATOR 2-4 STY	371	423	485		
ELEVATOR 5+ STY	419	484	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DAVENPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	645	745
SEMI-DETACHED/ROW		413	486	545	624
WALKUP	312	358	417	468	520
ELEVATOR 2-4 STY	381	435	498		
ELEVATOR 5+ STY	414	477	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			561	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

KANSAS CITY, MISSOURI AREA OFFICE

MARKET: KANSAS CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		377	431	543	590
WALKUP	303	347	403	494	524
ELEVATOR 2-4 STY	316	363	453		
ELEVATOR 5+ STY	411	465	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JOPLIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		315	408	484	525
WALKUP	232	276	354	455	494
ELEVATOR 2-4 STY	292	335	418		
ELEVATOR 5+ STY	380	428	558		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. JOSEPH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		358	420	516	561
WALKUP	293	337	395	487	523
ELEVATOR 2-4 STY	300	349	431		
ELEVATOR 5+ STY	391	442	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SEDALIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		364	416	524	569
WALKUP	287	335	378	440	480
ELEVATOR 2-4 STY	305	350	437		
ELEVATOR 5+ STY	397	448	584		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		283	379	458	500
WALKUP	219	264	357	449	490
ELEVATOR 2-4 STY	260	299	373		
ELEVATOR 5+ STY	339	383	498		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TOPEKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		355	419	514	567
WALKUP	275	296	387	468	534
ELEVATOR 2-4 STY	318	367	456		
ELEVATOR 5+ STY	380	428	559		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GARDEN CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		338	404	506	558
WALKUP	271	318	404	459	509
ELEVATOR 2-4 STY	310	358	447		
ELEVATOR 5+ STY	369	416	544		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PITTSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		327	392	492	530
WALKUP	252	290	346	435	478
ELEVATOR 2-4 STY	304	353	440		
ELEVATOR 5+ STY	363	409	535		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SALINA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		338	400	506	558
WALKUP	261	296	368	441	500
ELEVATOR 2-4 STY	310	362	447		
ELEVATOR 5+ STY	369	416	544		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WICHITA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		381	446	533	574
WALKUP	292	345	417	493	539
ELEVATOR 2-4 STY	316	365	456		
ELEVATOR 5+ STY	376	424	554		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA, NEBRASKA AREA OFFICE

MARKET: OMAHA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	306	370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GRAND ISLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LINCOLN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	306	370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORTH PLATTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SCOTTS BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		386	469	549	581
WALKUP	305	347	435	520	555
ELEVATOR 2-4 STY	313	376	478		
ELEVATOR 5+ STY	356	428	515		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

ST. LOUIS, MISSOURI AREA OFFICE

MARKET: ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	660	726
SEMI-DETACHED/ROW		448	536	627	690
WALKUP	337	424	510	567	621
ELEVATOR 2-4 STY	372	459	548		
ELEVATOR 5+ STY	416	518	699		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CAPE GIRARDEAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	520	581
SEMI-DETACHED/ROW		323	410	505	564
WALKUP	246	309	393	461	518
ELEVATOR 2-4 STY	272	340	410		
ELEVATOR 5+ STY	300	370	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	560	613
SEMI-DETACHED/ROW		351	432	532	590
WALKUP	274	337	420	525	575
ELEVATOR 2-4 STY	303	372	452		
ELEVATOR 5+ STY	329	413	602		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KIRKSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			448	548	603
SEMI-DETACHED/ROW		338	431	520	572
WALKUP	258	323	408	484	533
ELEVATOR 2-4 STY	295	360	439		
ELEVATOR 5+ STY	314	401	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROLLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			417	517	580
SEMI-DETACHED/ROW		316	403	491	559
WALKUP	235	298	379	453	496
ELEVATOR 2-4 STY	271	334	404		
ELEVATOR 5+ STY	289	372	541		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL:AREA OFFICE

	MARKET: DENVER, CO NUMBER OF BEDROOMS					MARKET: GRAND JUNCT,CO NUMBER OF BEDROOMS					MARKET: ASPEN/VAIL NUMBER OF BEDROOMS					MARKET: FARGO, ND NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			578	625	682			538	585	624			531	606	642			506	600	646
SEMI-DETACHED/ROW	402	431	517	584	616	413	415	496	547	597	375	426	468	557	599	362	395	473	558	608
WALKUP	323	389	460	566	606	334	385	460	526	564	362	411	445	518	563	335	373	440	543	590
ELEVATOR 2-4 STY	323	389	496			351	398	468			372	419	456			351	398	474		
ELEVATOR 5+ STY	333	405	512			365	411	475			387	428	465			385	433	543		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184				

	MARKET: BISMARK, ND NUMBER OF BEDROOMS					MARKET: DICKENSON, ND NUMBER OF BEDROOMS					MARKET: HELENA, MT NUMBER OF BEDROOMS					MARKET: BILLINGS, MT NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			506	569	607			506	605	638			412	486	522			492	559	594
SEMI-DETACHED/ROW	334	377	478	516	560	400	402	473	561	605	283	344	402	477	513	315	367	480	549	585
WALKUP	326	367	444	501	554	313	385	446	544	583	276	334	393	477	505	304	356	468	537	576
ELEVATOR 2-4 STY	341	379	477			341	402	473			292	354	414			319	376	486		
ELEVATOR 5+ STY	374	411	525			368	434	522			304	367	426			331	389	499		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184				

	MARKET: GREAT FALLS,MT NUMBER OF BEDROOMS					MARKET: MISSOULA, MT NUMBER OF BEDROOMS					MARKET: SALT LAKE CITY NUMBER OF BEDROOMS					MARKET: CEDAR CITY, UT NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			436	502	539			423	498	536			488	613	673			434	476	518
SEMI-DETACHED/ROW	286	344	427	491	531	308	363	414	490	528	352	359	431	553	605	322	331	389	435	467
WALKUP	278	334	418	483	521	302	355	396	469	506	248	347	408	513	563	239	324	371	431	450
ELEVATOR 2-4 STY	299	348	438			321	372	456			309	406	458			303	365	421		
ELEVATOR 5+ STY	312	362	451			333	384	466			341	435	508			319	405	465		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184				

	MARKET: VERNAL, UT NUMBER OF BEDROOMS					MARKET: SIOUX FALLS,SD NUMBER OF BEDROOMS					MARKET: PIERRE, SD NUMBER OF BEDROOMS					MARKET: RAPID CITY, SD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			523	611	671			453	490	531			462	501	545			485	588	626
SEMI-DETACHED/ROW	385	427	489	604	668	294	345	438	462	504	361	412	447	481	525	320	375	467	559	607
WALKUP	261	358	415	492	555	274	321	401	449	486	309	363	436	456	508	296	346	445	545	578
ELEVATOR 2-4 STY	319	417	452			303	355	418			329	391	418			307	360	454		
ELEVATOR 5+ STY	358	446	498			307	343	423			335	398	425			312	367	459		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184				

PREPARED ON 112982

DENVER, COLORADO REGIONAL:AREA OFFICE

	MARKET: CASPER, WY NUMBER OF BEDROOMS					MARKET: CHEYENNE, WY NUMBER OF BEDROOMS					MARKET: CODY, WY NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			662	697	740			511	555	603			651	717	793
SEMI-DETACHED/ROW	441	493	612	683	737	360	378	461	543	591	361	485	601	678	755
WALKUP	427	477	581	673	726	313	328	430	540	587	351	471	570	658	722
ELEVATOR 2-4 STY	465	511	615			346	394	464			397	510	607		
ELEVATOR 5+ STY	524	592	624			409	410	473			446	577	638		
MANUFACTURED HOME															
	EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184					EFFECTIVE DATE 100182 TRENDED DATE 100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

HONOLULU, HAWAII AREA OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			612	983	1044
SEMI-DETACHED/ROW		476	571	633	694
WALKUP	387	454	502	626	684
ELEVATOR 2-4 STY	417	486	534		
ELEVATOR 5+ STY	432	592	786		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GUAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		585	674	732
	456	538	626	685
280	346	431	532	

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KAUAI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		629	671	734
	510	619	660	723
335	389	509	636	697
366	421	539		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MAUI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		677	799	857
	569	660	787	847
348	453	568	692	750
380	484	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			527	600	653
SEMI-DETACHED/ROW		413	516	589	642
WALKUP	306	360	433	560	620
ELEVATOR 2-4 STY	338	390	465		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KONA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		637	753	814
	523	626	742	804
387	442	509	635	695
417	472	539		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

LOS ANGELES, CALIFORNIA AREA OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			784	871	958
SEMI-DETACHED/ROW		624	686	829	901
WALKUP	474	537	646	779	829
ELEVATOR 2-4 STY	497	565	689	779	829
ELEVATOR 5+ STY	620	708	930		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BAKERSFIELD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		575	689	773
	411	542	692	717
316	388	519	626	671
332	405	537		
473	555	726		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA BARBARA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		915	971	993
	834	892	944	963
406	453	584	662	718
422	473	604	681	737
549	612	783		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VENTURA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		711	785	865
	505	562	685	746
434	475	533	652	697
454	495	553	671	717
591	642	740		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PASO ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			684	739	803
SEMI-DETACHED/ROW		446	554	666	740
WALKUP	371	419	516	614	664
ELEVATOR 2-4 STY	389	437	536	640	700
ELEVATOR 5+ STY	528	589	729		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LANCASTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		589	696	787
	469	556	650	737
359	442	533	598	664
385	465	554		
539	606	741		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OXNARD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		711	785	865
	505	562	685	746
434	475	533	652	697
454	495	553	671	717
591	642	740		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA ANA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		721	872	949
	611	708	856	930
489	574	660	791	838
491	591	680		
626	737	866		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA MARIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			659	716	817
SEMI-DETACHED/ROW		577	635	690	787
WALKUP	363	410	475	528	581
ELEVATOR 2-4 STY	383	430	495	548	601
ELEVATOR 5+ STY	514	574	679		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAN BERNARDINO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		549	661	744
	452	538	626	729
384	433	508	601	668
410	451	527		
553	598	715		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

PHOENIX, ARIZONA SERVICE OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	644	722
SEMI-DETACHED/ROW	399	463	558	621	666
WALKUP	375	432	519	584	623
ELEVATOR 2-4 STY	394	452	539		
ELEVATOR 5+ STY	480	548	670		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CASA GRANDE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		493	561	642
350	386	469	535	610
325	367	425	476	528
345	387	445		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLAGSTAFF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		571	661	739
413	478	543	620	720
388	447	529	603	666
422	481	555		
559	618	719		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KEAMS CANYON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		531	600	685
421	440	505	572	641
370	420	463	514	597
390	445	497		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			508	597	683
SEMI-DETACHED/ROW	339	416	484	572	645
WALKUP	310	370	479	557	629
ELEVATOR 2-4 STY	344	404	513		
ELEVATOR 5+ STY	486	560	701		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: YUMA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		578	619	701
411	506	539	612	690
392	457	528	585	628
426	491	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO, CALIFORNIA SERVICE OFFICE

MARKET: SACRAMENTO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			539	589	660
SEMI-DETACHED/ROW		451	517	583	649
WALKUP	341	402	461	550	638
ELEVATOR 2-4 STY	439	495	556		
ELEVATOR 5+ STY	534	600	690		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: REDDING
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		530	590	666
	461	515	575	655
302	367	451	522	594
446	500	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PLACERVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		550	605	677
	461	528	600	666
351	412	473	566	655
451	506	572		

EFFECTIVE DATE 100183
TRENDED DATE 100184

MARKET: YREKA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		560	625	710
	490	545	610	700
355	420	485	600	675
473	525	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: S. LAKE TAHOE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			633	694	782
SEMI-DETACHED/ROW		544	605	688	770
WALKUP	390	461	544	666	760
ELEVATOR 2-4 STY	506	583	671		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SAN FRANCISCO, CALIFORNIA AREA OFFICE

MARKET: SAN FRANCISCO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			1340	1496	1584
SEMI-DETACHED/ROW		740	1059	1186	1339
WALKUP	508	587	767	935	1027
ELEVATOR 2-4 STY	559	674	862		
ELEVATOR 5+ STY	710	824	1042		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FRESNO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		551	735	807
	360	464	608	686
303	360	436	557	636
380	452	563		
587	681	834		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MODESTO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		501	590	615
	362	437	552	592
312	359	422	537	579
402	452	566		
629	681	842		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAN JOSE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		853	994	1051
	500	610	739	813
413	496	589	702	766
442	514	596		
627	717	830		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OAKLAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			777	916	952
SEMI-DETACHED/ROW		572	728	833	919
WALKUP	470	547	693	767	850
ELEVATOR 2-4 STY	505	553	745		
ELEVATOR 5+ STY	690	754	980		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MARIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		777	916	952
	572	728	833	919
470	547	693	767	850
505	553	745		
690	754	980		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EUREKA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		602	785	839
	414	445	676	763
246	353	445	670	749
313	414	539		
607	739	964		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA ROSA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		811	990	1043
	463	585	764	837
408	463	585	764	831
537	613	789		
710	824	1042		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA CRUZ
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			632	785	862
SEMI-DETACHED/ROW		427	580	739	814
WALKUP	359	427	545	702	766
ELEVATOR 2-4 STY	442	546	658		
ELEVATOR 5+ STY	574	686	799		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RENO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		672	722	765
	435	564	669	746
381	435	564	669	737
482	585	744		
719	794	984		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAS VEGAS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		642	711	771
	430	568	685	746
375	447	556	662	715
508	577	700		
700	786	941		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

ANCHORAGE, ALASKA AREA OFFICE

MARKET: ANCHORAGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			708	783	809
SEMI-DETACHED/ROW		608	678	739	764
WALKUP	423	498	584	691	716
ELEVATOR 2-4 STY	554	652	729		
ELEVATOR 5+ STY	563	663	741		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FAIRBANKS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		697	760	827
	597	669	752	811
517	569	643	723	796
622	738	794		
632	753	804		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JUNEAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		738	841	874
	592	716	801	841
474	530	659	763	808
532	600	688		
558	629	716		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KETCHIKAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		648	738	821
	526	618	703	782
407	478	561	640	710
487	556	652		
511	566	670		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BARTER IS. N

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1043	1148	1263
SEMI-DETACHED/ROW		920	1013	1115	1226
WALKUP	811	893	958	1083	1191
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COASTAL AREA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		1043	1148	1263
	920	1013	1115	1226
811	893	958	1083	1191

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

PORTLAND, OREGON AREA OFFICE

MARKET: PORTLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			464	547	592
SEMI-DETACHED/ROW	292	340	388	471	516
WALKUP	283	327	375	458	503
ELEVATOR 2-4 STY	346	416	475		
ELEVATOR 5+ STY	379	463	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BEND

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		340	420	468
	270	325	405	443
193	240	295	374	412
246	309	372		
279	349	418		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COOS BAY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		341	382	425
	280	321	364	404
226	267	300	351	393
277	336	388		
310	376	433		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MEDFORD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		390	445	493
	330	374	422	470
246	296	347	390	429
294	352	421		
327	391	467		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ONTARIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			381	432	482
SEMI-DETACHED/ROW		305	355	414	467
WALKUP	237	287	338	406	458
ELEVATOR 2-4 STY	269	329	391		
ELEVATOR 5+ STY	299	364	434		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WEST SALEM

NUMBER OF BEDROOMS -0-	-1-	2-	-3-	-4+
		294	372	411
	223	269	347	384
177	219	265	337	386
233	294	347		
268	336	397		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PENDLETON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		378	432	479
	295	370	418	456
240	282	349	404	443
292	349	423		
322	387	468		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BOISE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		417	479	510
	282	346	402	441
225	269	332	394	431
281	352	424		
297	371	464		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: IDAHO FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			382	437	483
SEMI-DETACHED/ROW		282	329	405	431
WALKUP	220	246	315	392	428
ELEVATOR 2-4 STY	267	338	403		
ELEVATOR 5+ STY	282	357	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MCCALL

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		306	345	384
	234	273	319	358
176	215	254	306	345

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: POCATELLO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		362	410	443
	244	302	365	397
171	216	286	362	386
227	278	363		
243	318	403		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TWIN FALLS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		391	447	479
	291	365	407	449
223	248	322	369	398
274	341	402		
288	359	440		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LEWISTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			383	452	491
SEMI-DETACHED/ROW		236	295	364	403
WALKUP	200	226	285	354	393
ELEVATOR 2-4 STY	249	319	383		
ELEVATOR 5+ STY	264	337	421		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COEUR D'ALEN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		350	391	456
	233	288	343	398
182	218	273	328	383
247	305	358		
261	323	395		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EUGENE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		368	450	487
	289	330	397	428
236	250	309	376	416
287	318	382		
321	358	428		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

SEATTLE, WASHINGTON AREA OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			538	599	715
SEMI-DETACHED/ROW		437	522	581	693
WALKUP	337	401	482	533	645
ELEVATOR 2-4 STY	352	405	545		
ELEVATOR 5+ STY	415	504	674		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: BELLINGHAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		412	513	635
	324	396	487	599
226	288	356	440	545
241	303	371		
367	436	557		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: OLYMPIA

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		411	505	620
	325	396	486	598
227	289	355	439	544
242	304	370		
368	437	556		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: YAKIMA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		385	486	604
	311	363	458	575
212	280	327	424	534
227	295	342		
359	438	540		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			405	502	620
SEMI-DETACHED/ROW		307	392	482	590
WALKUP	218	282	328	413	534
ELEVATOR 2-4 STY	233	297	343		
ELEVATOR 5+ STY	364	438	539		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: KENNEWICK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		518	556	695
	413	476	555	674
314	389	442	515	626
347	404	457		
415	486	561		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

PREPARED ON 112982

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BILLING CODE 4210-27-C

federal register

Friday
April 15, 1983

Part IV

Department of Energy

Office of the Secretary

Amendments to Procurement Regulations

DEPARTMENT OF ENERGY

Office of the Secretary

41 CFR Parts 9-3, 9-4, 9-7, 9-16, 9-30, 9-50, and 9-51

Amendments to Procurement Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule revises the DOE Procurement Regulations to more clearly state DOE policy regarding letter contracts, extensions of contracts originally justified under unsolicited proposal evaluation procedures, and updates some sections which are out of date. A detailed listing of specific revisions is given below under the section entitled **"SUPPLEMENTARY INFORMATION."**

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard Langston, Procurement Policy Branch, MA421.1, Procurement and Assistance Management Directorate, Department of Energy, (202) 252-8188

Prentis Cook, Office of General Counsel, AGC for Procurement and Financial Incentives, GC44, Department of Energy, (202) 252-1526.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Statutory and Regulatory Requirements.
III. Public Comments.

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as "the Act") Pub. L. 95-91, 91 Stat. 565 (41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE-PR) were promulgated with an effective date of June 30, 1979 (see 44 FR 34424).

The specific changes being made are as follows:

Change 7.0 is a listing of changes to the Table of Contents.

Change 7.1 supplements section 9-3.408 by providing additional guidance for letter contracts.

Change 7.2 revises Subpart 9-4.9, "Unsolicited Proposals," to provide guidance on the extension of contracts originally awarded as the result of unsolicited proposals.

Change 7.3 revises Subpart 9-4.50, "Multiple Award-Phased Procurements."

Change 7.4 revises Subpart 9-4.51, "Special Research Contracts with Educational Institutions," to clearly state that no-cost extensions may be granted by the cognizant procurement office.

Change 7.5 revises several clauses in part 9-7, "Contract Clauses," and adds new clauses for letter contracts.

Change 7.6 revises section 9-16.50, "Contract Outlines," by correcting an incorrect citation at section 9-16.5002-1 and adds a new section 9-16.5002-5, "Outline of a letter contract."

Change 7.7 revises 9-30.703, "Assignment of Claims," to correct an outdated reference to a predecessor organization.

Change 7.8 revises Part 9-50, "Operating and On-Site Service Contracts" regarding identical bids, and expands the extend-compete review process to include consideration of site planning, maintenance, construction, facility management, schedule, and technical performance.

Change 7.9 revises Subpart 9-51, "Contract Reviews," to delete references to organizations that no longer exist.

II. Statutory and Regulatory Requirements

A. Review Under Executive Order 12291

Inasmuch as this final rule relates to agency management of the procurement function, the OMB clearance procedures set forth in Executive Order 12291 (February 17, 1981) are not applicable.

B. Review Under the Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act

DOE has determined that this rulemaking imposes no information collection and reporting requirements on organizations and individuals external to DOE that may be subject to this regulation in accordance with the Paperwork Reduction Plan Act (44 U.S.C. 3501 et seq.).

D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 et seq. 1976), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the DOE guidelines (10 CFR Part 1020), and therefore does not require an environmental impact statement pursuant to NEPA.

III. Public Comments

The changes being made by this final rule were published as a notice of proposed rulemaking on November 4, 1982, 47 FR 49983. That notice invited public comments for a 30-day period ending December 6, 1982. Comments were received from one association representing research universities and from two DOE offices.

One reviewer suggested that section 9-3.408 be clarified regarding to whom letter contracts should be reported. This matter was clarified by adding a reference to the Procurement and Assistance Data System at section 9-3.408(e). Change 7.2 proposed new procedures for acceptance of unsolicited proposals. The new procedures would parallel the procedures used for other non-competitive procurements. The proposed change included procedures for the review and acceptance of proposals for extensions of contracts originally awarded as a result of unsolicited proposals and provided that requests for extensions of Special Research Contracts would be handled in accordance with the new procedures. All those commenting were critical of this latter concept and suggested that the existing Special Research Contract procedures at Subpart 9-4.51 were adequate. The Department accepts these views and will not make the changes originally proposed at section 9-4.904(a), 9-4.5111-1, and 9-4.5111-2. One reviewer suggested that section 9-4.955 be retitled "Renewals." This suggestion is based on the practice within the financial assistance community of referring to an unfunded allotment of additional time as extension and referring to a funded allotment of additional time as a renewal. The Department sees no real benefit in making such a distinction in its procurement regulations.

The proposed changes involving unsolicited proposals mention competition at sections 9-4.909(e)(1), 9-4.955-1(a)(8), and 9-4.955-6. Concern was expressed that DOE might inappropriately introduce competition as a result of an unsolicited proposal evaluation. This is not intended. FPR 1-4.911 prohibits the use of an unsolicited proposal as the basis of a competitive solicitation.

At the same time, FPR 1–4.910(a) provides that a favorable technical evaluation does not in itself establish adequate grounds for non-competitive procurement. Competition would be appropriate if the subject matter of the unsolicited proposal were available without restriction from other sources. To alleviate this concern, a note will be added to section 9–4.909(e)(1) to refer the reader to FPR 1–4.910 and 1–4.911.

A suggestion was received asking that consideration be given to establishing master basic agreements with universities. These agreements would be updated annually and be incorporated into individual research contracts throughout the Department. There are no existing policy impediments to such a concept. The suggestion has been referred to the Office of Energy Research which is the primary source of funding for university research.

The Department thanks those parties providing comments for the helpful insights furnished by their views and has carefully considered those comments in preparing this final rule.

List of Subjects in 41 CFR Parts 9–3, 9–4, 9–7, 9–16, 9–30, 9–50 and 9–51

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., April 11, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance, Management Directorate.

The regulations in 41 CFR Chapter 9 are amended as set forth below.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254).

Note.—As an aid in identifying specific changes to the DOE Procurement Regulations, a two-digit identification number is assigned to each specific change. The first digit represents the numerical sequence of proposed changes; thus, this is Change 7 to indicate that this is the seventh time that DOE has issued a rulemaking for the purpose of amending 41 CFR Chapter 9. The second digit is the numerical sequence of specific changes proposed within a particular notice; thus, the first change within the seventh notice is identified as Change 7.0.

Change 7.0

The Table of Contents is amended as follows:

Sec.

* * * * *

9–4.955 Extensions.
9–4.955–1 Extension proposals.
9–4.955–2 Evaluation of requests for extension.
9–4.955–3 Approval.
9–4.955–4 Content of extension justification.
9–4.955–5 Rejection of extension request.
9–4.955–6 Continuation of effort on other than a direct extension basis.

* * * * *

PART 9–7—CONTRACT CLAUSES

* * * * *

9–7.804–51 [Reserved]

* * * * *

Subpart
9–7.11 Letter contracts.
9–7.1101 Applicability.
9–7.1102 Required clauses.
9–7.1102–1 Definitization.
9–7.1102–2 Execution and commencement of work.
9–7.1102–3 Limitation of Government liability.
9–7.1102–4 Payment.
9–7.1102–5 Termination.

* * * * *

PART 9–16—PROCUREMENT FORMS

* * * * *

9–16.5002–5 Outline of a letter contract.

* * * * *

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

* * * * *

9–50.105 Reporting possible antitrust violations and identical bids.

* * * * *

Change 7.1

Section 9–3.408, "Letter contract" is amended by adding a new paragraph (d) directing attention to additional letter contract coverage at 9–7, "Contract Clauses" and 9–16, "Procurement Forms," and a new paragraph (e) regarding letter contract reporting requirements. Therefore, section 9–3.408 is amended by the addition of paragraphs (d) and (e) as follows:

Subpart 9–3.4—Types of Contracts

§ 9–3.408 Letter contract.

* * * * *

(d) Additional guidance regarding letter contracts may be found at 9–7.11 which prescribes clauses to be used in letter contracts and 9–16.5002–5 which contains a format for letter contracts.

(e) Letter contract awards should be reported to the Procurement and Assistance Data System as soon after award as possible. Should it be necessary to modify a letter contract prior to its definitization, such actions shall be handled and reported as formal modifications as they occur. The actual definitization of the letter contract, in turn, shall be accomplished by formal contract modification and be reported as such.

Change 7.2

Subpart 9–4.9, "Unsolicited Proposals" is amended at section 9–4.908 to provide for an alternate receiving office if a Notice of Program Interest is the basis for submitting an unsolicited proposal, at section 9–4.909(e) to revise the review and approval procedures, at section 9–4.950, paragraph (b), to clarify the term "Expiration Date" and to allow use of the Alternate Late Proposals clause without the approval required by section 9–3.802–1 if a Notice of Program Interest is involved, and at paragraphs (c) and (d) to assure that Notices of Program Interest are coordinated with the Procurement and Assistance Management Directorate and that a copy of any such Notice is furnished to that Office, and by adding a new section 9–4.955 regarding procedures to be used in considering the renewal of contracts resulting from unsolicited proposals. Therefore, sections 9–4.908(b), 9–4.909(e), 9–4.950 (b)(5), (c) and (d) are revised and 9–4.955 through 9–4.955–6 are added to read as follows:

Subpart 9–4.9—Unsolicited Proposals

§ 9–4.908 Agency point of contact.

* * * * *

(b) Unless otherwise specified in a Notice of Program Interest, all unsolicited proposals shall be submitted to the Procurement and Assistance Management Directorate, U.S. DOE, Attn: Unsolicited Proposals Management Officer, MA432, Washington, DC 20585. If the proposer has ascertained the cognizant program office through preliminary contacts with Program staff, the proposal may be submitted directly to that Office. In such instances, the proposer should separately send a copy of the proposal cover letter to the Unsolicited Proposal Management Officer to assure that the proposal is logged in the Department's automated tracking system for unsolicited proposals.

§ 9–4.909 Receipt, review and evaluation.

* * * * *

(e) *Review and approval.* The justification shall contain a recommendation, concurrence (when needed), and approval as follows: (In the case of cost shared contracts, review levels shall be based on the sum of the contractor and Government shares.)

(1) The recommendation shall be prepared and reviewed within the initiating office at such levels as are deemed appropriate by the Senior Program Official for procurements initiated by Headquarters or the Head of the Procuring Activity for field initiated

procurements. In establishing levels for the review of such recommendations, the Senior Program Official or Head of the Procuring Activity shall assure that the recommendation is reviewed at a senior organizational level in order to assure that competition is sought when appropriate. See FPR 1–4.910 and 1–4.911.

(2) The more complex and costly transactions will benefit from early coordination with counsel. Justifications exceeding $1,000,000, or such lower level as counsel may determine, shall be submitted by the initiator to counsel, at the Headquarters or field location of the initiator, for concurrence prior to forwarding to the Contracting Officer.

(3) The justification, following review of the recommendation and concurrence of counsel (if required or considered appropriate), shall be forwarded to the cognizant Contracting Officer for approval. If the justification is acceptable to the cognizant Contracting Officer, review shall be sought at such level as the Head of the Procuring Activity may require. In specifying levels of review, the HPA shall assure that justifications of more than $10,000 are reviewed at a level above the cognizant Contracting Officer as required by Section 1–3.101(d) of the FPR. The HPA shall further assure that the official designated as the reviewing official is a Contracting Officer.

* * * * *

§ 9–4.950 Notice of program interest.

* * * * *

(b) * * *

(5) An expiration date, as needed. An expiration date for a Notice of Program Interest is not to be considered a formal due date or common cut-off date for the submission or receipt of unsolicited proposals as is associated with formal procurement solicitations. Rather the expiration date is an approximation of the time after which program interests or directions may be expected to change less the necessary administrative time that will be needed for the evaluation and possible award of contracts resulting from the notice. The Alternate Late Proposal clause of FPR 1–3.802–2 may be used for Notices of Program Interest without regard to the approval requirement of section 9–3.802–1. When used, the clause at FPR 1–3.802–2 should be appropriately modified at paragraph (a)(4) to substitute some other cut-off milestone as a competitive range determination is not involved.

* * * * *

(c) The content of the notice should be consolidated at the responsible office level and should be in the format that best reflects the needs of that specific office; e.g., letter, booklet, bulletin, or related documents. Such notices shall be coordinated in advance with the Unsolicited Proposals Management Officer identified at section 9–4.908(b).

(d) The notice should be distributed widely. It may be distributed to industry, associations, including small business associations, schools, colleges and universities, appropriate professional and scientific journals, other DOE offices, as well as individuals and organizations that request copies on a one-time basis. Copies of the notice are to be sent to the Unsolicited Proposals Management Officer identified at section 9–4.908(b).

* * * * *

§ 9–4.955 Extensions.

§ 9–4.955–1 Extension proposals.

(a) Where additional time beyond the current contract period is required to complete or continue the work approved in the acceptance of the initial unsolicited proposal, the Contractor should submit six copies of an extension proposal to the awarding office in sufficient time to allow evaluation and possible processing before the date of expiration of the contract. These procedures do not apply to requests for no-cost extensions as may sometimes be needed to complete all details such as final report of the project.

(b) The extension proposal should outline and justify a program and budget for the succeeding year(s), showing in detail the estimated cost for the additional period(s) requested. It should include the same type of information to the same extent as was contained in the initial proposal. Any contemplated change in program or scope for the ensuing period(s) should be justified and explained clearly, and must remain consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal. This is not, however, intended to preclude a redirection based upon a discovery or breakthrough occurring under the contract to date.

(c) The extension proposal should include a financial profile under the current contract including:

(1) Total project costs to date, indicating the amount chargeable to DOE;

(2) An estimate of the total costs to be incurred during the remainder of the current period, including a statement of unextended balance.

§ 9–4.955–2 Evaluation of requests for extension.

(a) Requests for extensions are to be evaluated by the appropriate program office in light of:

(1) Progress reports submitted by the Contractor;

(2) Research results published in scientific media;

(3) Field visits by technical personnel;

(4) Contractor's progress and potential for achieving desired results;

(5) Continued relevance to DOE's mission;

(6) Scientific and technical merit of the research;

(7) Availability of funds;

(8) Likelihood that competition at this stage in the project would hasten achieving the desired results.

(b) Requests for extensions generally follow the same process of review and evaluation of technical aspects and funding, preparation and execution of contract, and administration as does a new project.

§ 9–4.955–3 Approval.

(a) When the extension request has received a favorable technical evaluation and when a determination has been made that similar conditions exist relative to those that justified acceptance of the initial unsolicited proposal, a justification for extension of the award resulting from an unsolicited proposal shall be processed for review and approval as indicated in section 9–4.909(e).

§ 9–4.955–4 Content of extension justification.

(a) As a minimum, the extension justification should contain:

(1) A statement of the result of the technical evaluation (9–4.955–2)

(2) An evaluation of any contemplated change in the contract scope of work for the renewal period and a justification explaining why this change is consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal.

(3) An assessment of the current status of the original circumstances and conditions which justified acceptance of the initial unsolicited proposal identifying any changes that may have developed and providing rationale as to why such change(s) should not preclude renewal.

§ 9–4.955–5 Rejection of extension request.

(a) If, after evaluation, it is decided that the extension period should not be supported on the basis of technical merit or other reasons, such as lack of

funding, or changed mission relevance, the project officer shall:

(1) Prepare a written statement setting forth the basis for rejection, submit one copy to the responsible program official for approval and transmittal to the proposer and retain one copy in the permanent file.

(2) Promptly notify the Contracting Officer in order that the current contract may be closed out.

§ 9-4.955-6 Continuation of effort on other than a direct extension basis.

(a) Under certain circumstances it may be in the Government's best interest to continue or complete the work begun under a contract awarded as a result of an unsolicited proposal but which is not appropriate for extension. Continuation or completion of the work shall be accomplished by means of competition, unless non-competitive procurement can be justified in accordance with section 9-3.805-51.

Change 7.3

Subpart 9-4.50, "Multiple Awards—Phased Procurements," is amended by deleting the final sentence of section 9-4.5002(a) and substituting a new sentence to provide that counsel will be a non-voting advisory member of any subsequent phase evaluation team unless counsel concurs in a waiver of such participation. Therefore, section 9-4.5002(a) is amended by substituting a new final sentence as follows:

Subpart 9-4.50—Multiple Awards—Phased Procurements

§ 9-4.5002 Evaluation.

(a) * * * Counsel will be included as a non-voting advisory member of the evaluation team unless such participation is waived with the concurrence of counsel.

* * * * *

Change 7.4

Subpart 9-4.51, "Special Research Contracts with Educational Institutions," is amended at section 9-4.5111-3, "Authorization to renew," by substituting the word "procurement" for "field" at the second word. Therefore, section 9-4.5111-3 is amended by revising paragraph (c) to read as follows:

Subpart 9-4.51—Special Research Contracts with Educational Institutions

§ 9-4.5111-3 Authorization to renew.

* * * * *

(c) The procurement office that has administrative jurisdiction of an existing contract may extend the term of an existing contract without authorization from the cognizant program office, provided that:

(1) Any such extension does not provide for an increase in DOE's monetary obligation under the contract;

(2) The scope of work is not revised by such extension;

(3) Such extension is necessary to permit completion of the scope of work authorized by Headquarters, including preparation of required reports; and

(4) Any such extension will not be for a period in excess of 90 days.

* * * * *

Change 7.5

Part 9-7, "Contract Clauses," is amended at several places. Section 9-7.103-53, "Security," is modified to add language erroneously left out when this clause was updated at 46 FR 28925. The change adds the following phrase to the end of the third sentence of paragraph (a)," or properly destroy the classified matter and furnish a Certificate of Nonpossession to DOE." The change also adds the phrase "include a Statement of Justification," between the words "shall" and "identify" at the fifth sentence of paragraph (a). The change also adds "subsequent and" between the words "or" and "prior" at the second sentence of paragraph (f). Section 9-7.204-5 is amended to correct paragraph references which should be upper-case rather than lower-case. Section 9-7.802-6, "Assignment of Claims," is amended to include reference to the DOE-PR section being added by Change 7.7. Section 9-7.803-2, "Authorization and Consent," is amended to correct an erroneous reference to "section 9-9.102-2" which should be "section 9-9.102-1." Section 9-7.804-51, "Privacy Act," is deleted as it duplicates section 9-7.803-11. The final change in this Part is the addition of a new Subpart 9-7.11, "Letter Contracts." Therefore, sections 9-7.103-53 (a) and (f), 9-7.204-5, 9-7.802-6, 9-7.803-2 are revised, § 9-7.804-51 is removed and reserved, and a new Subpart 9-7.11 is added, consisting of sections 9-7.1101 through 9-7.1102-5, as follows:

PART 9-7—CONTRACT CLAUSES

§ 9-7.103-53 Security.

Security

(a) *Contractor's duty to safeguard all classified information.* The contractor shall, in accordance with DOE security regulations and requirements, be responsible for safeguarding all classified information, and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to DOE any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract or properly destroy the classified matter and complete a Certificate of Nonpossession to be furnished to DOE. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer, the contractor will complete a Certificate of Possession to be furnished to DOE specifying the classified matter to be retained. The certification shall include a statement of justification, identify the items and types or categories of matter retained, the conditions governing the retention of the matter, and the period of retention, if known. If the retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

* * * * *

(f) *Definition of National Security Information.* The term "National Security Information" means information or material which is owned by, produced for or by, or under the control of the United States Government, which has been determined pursuant to Executive Order 12065 or subsequent and prior Orders to require protection against unauthorized disclosure, and which is so designated.

* * * * *

§ 9-7.204-5 Insurance liability to third persons.

Insert the clause in FPR 1-7.204-5 with the following modification in paragraph (C). Change (C) to (D) and insert a new (C) between "Officer," and "or" at the end of (B) as follows: "(C) for which appropriated funds are not available,".

§ 9-7.802-6 Assignment of Claims.

Insert the clause prescribed by FPR 1-30.703 as modified by section 9-30.703.

§ 9-7.803-2 Authorization and consent.

Insert the clause prescribed by section 9-9.102-1 under the conditions stated therein.

§ 9-7.804-51 [Reserved]

Subpart 9-7.11—Letter Contracts

§ 9-7.1101 Applicability.

This subpart sets forth uniform contract clauses for use in letter

contracts as defined and described at FPR 1–3.408 and DOE–PR section 9–3.408.

§ 9–7.1102 Required clauses.

Letter contracts shall include all clauses required for the type of definitive contract anticipated to result from the letter contract. See section 9–16.5002–4 for a suggested outline of a letter contract. The following shall be included in all letter contracts.

§ 9–7.1102–1 Definitization.

(a) When it is known at the time of entering into the letter contract that the price of the definitive contract will be based on adequate price competition or will otherwise meet the criteria of FPR 1–3.807–3, paragraph (1) of the following clause may be appropriately modified to eliminate the requirement for cost of pricing data. The definitization schedule in paragraph (2) shall include a date for the receipt of the contractor's proposal, if one has not yet been furnished, a date for the commencement of contract negotiations and a target date for definitization as well as any other meaningful milestones appropriate to the individual acquisition.

Definitization

A—— type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and DOE Procurement Regulations or by law as of the date of execution of the letter contract, and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.

(2) The schedule for definitization of this contract is set forth below: (Insert appropriate milestone, e.g., receipt of proposal, begin negotiations, draft contract, etc.)

Milestone ——
Date ——

Target Date for Definitization: ——

(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) All clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed-price type contract or a cost-reimbursement type contract as determined by the Contracting Officer under this paragraph (3);

(ii) All clauses required by law as of the date of the Contracting Officer's determination; and

(iii) Such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

(End of clause)

(b) When the award of the letter contract is based on price competition, the following paragraph (4) shall be added to the clause in paragraph (a) of this section. In the blank therein, insert the contractor's proposed price on which the award was based.

(4) The definitive contract resulting from this letter contract will include a negotiated (price ceiling) (firm-fixed price) in no event to exceed $——

(End of clause addendum)

§ 9–7.1102–2 Execution and commencement of Work

Execution and Commencement of work.

The Contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies, except one for its file, to the Contracting Officer not later than ——. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement on necessary materials.

(End of clause)

§ 9–7.1102–3 Limitation of Government liability.

Limitation of Government Liability

The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed —— dollars ($——), which is the maximum amount for which the Government shall be liable if this contract is terminated.

§ 9–7.1102–4 Payment.

Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except no payment will be made for fee under a cost-type contract and payments will not exceed the limitation of Government liability stated above during the letter contract period.

(End of clause)

§ 9–7.1102–5 Termination.

Termination

The Government retains its rights to terminate this letter contract for default or convenience of the Government as provided in the General Provisions.

(End of clause)

Change 7.6

Subpart 9–16.50, "Contract Outlines," is amended at section 9–16.5002–1, Article B–XIV, to correct an erroneous FPR citation and at section 9–16.5002–5 to add a new section entitled "Outline of a Letter Contract. Therefore, § 9–16.5002–1 Appendix B is amended by revising Article B–XIV and § 9–16.5002–5 is added to read as follows:

Subpart 9–16.5002–1—Contract Outlines.

§ 9–16.5002–1 Special Research Contracts (SRC) with educational institutions.

* * * * *

Appendix B—General Provisions

* * * * *

Article B–XIV Contract Work Hours and Safety Standards Act—Overtime Compensation

Insert the clause set forth in FPR 1–7.402–16.

* * * * *

§ 9–16.5002–5 Outline of a letter contract.

Department of Energy (Use Letterhead Stationary) Date of Transmittal
Office Issuing Letter Contract and address
Contract Number
To: Insert Contractor's Name and Address
Brief Description of Work
(If a Defense contract is involved, insert the appropriate priority rating from the DOD Priorities and Allocation Manual. A rating may be appropriate to other types of contracts. See section 9–7.104–50(b).)
Dear: ——

This letter, when accepted by you, will constitute a contract on the terms set forth herein and signifies the intention of both parties to execute a formal, definitive (insert type of contract) contract for the delivery of the supplies or the performance of the services described herein.

In accordance with the clause entitled "Execution and Commencement of Work," you shall immediately proceed to commence performance of the work.

In accordance with the clause entitled "Definitization," you shall submit a proposal regarding the price or estimated cost to the Government as well as any special terms you wish reflected in the definitive contract for the articles or services covered by this contract. Your proposal shall include documentation supporting the price or estimated cost in accordance with the suggested format attached. Full supporting rationale should likewise be furnished for any special terms. A Certificate of Current Cost or Pricing Data shall be submitted upon agreement regarding the price or estimated cost.

Please indicate your acceptance of the foregoing by signing and returning this letter contract.

Sincerely yours,
(Signature) ——

Typed Name
Contracting Officer
Enclosures
1. Schedule.
2. General Provisions.
3. Proposal Preparation Materials.
4. Administrative Matters.
Acceptance by Contractor:
(Signature) _____
Typed Name and Title
Date _____

Enclosure 1—Schedule

Part 1—Special Provisions Applicable to Letter Contract
Part 2—Proposed Special Provisions of Definitive Contract
Part 1—Special Provisions Applicable to Letter Contract
Article I—Definitization
(1) A——type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and the DOE Procurement Regulations or law as of the date of execution of the letter contract, and such other clauses, terms and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.
(2) The schedule for definitization of this contract is set forth below: (Insert appropriate milestones, e.g., receipt of proposal, begin negotiations, draft contract, etc.)
Milestone _____
Date _____
Target Date for Definitization:——
(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:
(i) all clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed-price type contract or a cost-reimbursement type contract as determined by the Contracting Officer under this paragraph (3);
(ii) all clauses required by law as of the date of the Contracting Officer's determination; and
(iii) such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.
(End of clause)
(If the letter contract award is based on *price competition* use this additional paragraph and insert the contractor's proposed price on which the selection was based.)
(4) The definitive contract resulting from this letter contract will include a negotiated (insert price ceiling or firm-fixed price) not to exceed
$ _____
(End of clause addendum)

Article II—Execution and Commencement of Work

The contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies to the Contracting Officer not later than ——. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials.
(End of Clause)

Article III—Limitation of Government Liability

During the term of this letter contract, and prior to its definitization as a result of the negotiations contemplated by the parties, the maximum liability of the Government shall not exceed $—— except as may be provided in any modification of this letter contract agreed to by both parties.
(End of Clause)

Article IV—Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except that no payment will be made for fee and payments will not exceed the limitation of Government liability stated above during the letter contract period.
(End of Clause)

Article V—Termination

The government retains its rights to terminate this letter contract for default or convenience of the Government as provided in the General Provisions.
(End of Clause)

Part 2—Proposed Special Provisions of Definitive Contract
The following draft special provisions reflect the Government's best estimate, at the time of offering this letter contract, of the special provisions to be included in the definitive contract. The parties recognize that the exact provisions may vary as a result of their contemplated negotiations. (Insert the appropriate provisions which are expected to appear in the definitive contract.)

Enclosure 2—General Provisions

Part 1—Alterations of General Provisions (Insert any appropriate alterations)
Part 2—Additional General Provisions (Insert any appropriate additions)
Part 3—General Provisions (Attach appropriate set of DOE Standard General Provisions; e.g., 100.A, 400.A, etc.)

Enclosure 3—Proposal Preparation Material

(Attach here materials that will be needed for preparation of an adequate proposal to support negotiation of the definitive contract, e.g., cost or pricing data forms, representations and certification forms, etc.)

Enclosure 4—Administrative Matters*

(Insert here such items as billing instructions, billing address, identification of Contract Specialist, Contracting Officer, Technical Representative, and Patent Counsel, etc.)

Change 7.7

Section 9-30.703, "Contract clause—assignment of claims," is amended to add a new second sentence instructing that the text of the clause be updated to recognize the Department of Energy as the successor agency of the Energy Research and Development Administration. Therefore, section 9-30.703 is amended by the addition of a new second sentence as follows:

§ 9-30.703 Contract clause—assignment of claims.

* * * * *

Modify the clause at FPR 1-30.703 by substituting the Department of Energy for the Energy Research and Development Administration at the last sentence of paragraph (a) of the clause.

Change 7.8

Part 9-50, "Operating and On-Site Service Contracts," is amended to add coverage at 9-50.105 regarding identical bids received, at 9-50.303 and 9-50.304, to make security and facilities management matters a part of the formal extend or compete evaluation process and to make clarifications. Section 9-50.1510-20 is also being revised to update the Department's policy and principles relating to reimbursement of expenses of operating and on-site contractors for the relocation of employees essential to contract performance. Therefore, sections 9-50.105, 9-50.303(c)(1), 9-50.304(c)(2) introductory text and (iv), and 9-50.1510-20 are revised as follows:

PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

§ 9-50.105 Reporting possible antitrust violations and identical bids.

The procedures in FPR Subparts 1-1.9 and 1-1.16 shall be applied to procurements by operating and on-site contractors. Reports required by these subparts shall be submitted to the Head of the Procuring Activity to be handled in accordance with 9-1.9 and 9-1.16.

§ 9-50.303 Operating and on-site service contracts.

* * * * *

(c) * * *

(1) Overall performance of an incumbent contractor including specific consideration of the contractor's

administrative, environmental, safeguards and security, safety, health, site planning, maintenance, construction, facility management, energy conservation program considerations and cost, schedule and technical performance.

* * * * *

§ 9-50.304 Field recommendations to extend or compete operating and on-site contracts.

* * * * *

(c) * * *

(2) A statement of the present contractor's overall performance since award of the contract, of if previously extended, since Headquarters' last authorized extension of the contract. This should be supported by a copy or detailed summary of the most recent overall DOE management appraisal of the contractor's performance and a brief summary of the annual DOE appraisals of the contractor's performance.

* * * * *

(iv) For these items not covered by sections 9-50.303(c)(2) (i) and (ii) above, a separate appraisal shall be made of the contractor's performance in assuring consideration of the elements identified in section 9-50.303(c)(1).

* * * * *

§ 9-50.1510-20 Relocation costs.

(a) Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. The following types of costs are allowable as noted, subject to provisions of paragraphs (b), (c), and (d) of this section.

(1) Cost of travel of the employee and members of his immediate family and transportation of his household and personal effects to the new location.

(2) Costs of finding a new home, such as advance trips by employees and spouses to locate living quarters, and temporary lodging during the transition periods, not exceeding separate cumulative totals of 60 days for employees and 45 days for spouses and dependents, including advance trip time.

(3) Closing costs (i.e., brokerage fees, legal fees, appaisal fees, points, finance charges, etc.) incident to the disposition of actual residence owned by the employee when notified of transfer; *provided* that closing costs when added to the continuing costs described in (a)(6) of this section shall not exceed 14% of the sales price of the property sold.

(4) Other necessary and reasonable miscellaneous expenses incident to relocation, such as disconnecting and connecting household applicances; automobile registration; drivers license and use taxes; cutting and fitting rugs, draperies, and curtains, forfeited utility fees and deposits; and purchase of insurance against damage to or loss of personal property while in transit.

(5) Cost incident to the acquisition of a home in a new location, except that these costs will not be allowable for existing employees or newly recruited employees who prior to the relocation were not homeowners and the total costs shall not exceed 5% of the purchase price of the new home.

(6) Continuing costs of ownership of the vacant former actual residence being sold, such as maintenance of building and grounds (exclusive of fixing up expenses), utilities, taxes, property insurance, mortgage interest etc., after settlement date or lease date of new permanent residence; *provided* that when added to the closing costs described in (a)(3) of this section, the costs shall not exceed 14% of the sales price of the property sold.

(7) Mortgage interest differential payments, except that these costs are not allowable for existing or newly recruited employees who prior to the relocation were not homeowners, and the total payments are limited to an amount determined as follows:

(i) difference between the mortgage interest rates of the old and new residence times the current balance of the old mortgage times 3 years; and

(ii) when mortgage differential payments are made on a lump sum basis and the employee leaves or is transferred again in less than 3 years, the amount initially recognized shall be proportionately adjusted to reflect payments only for the actual time of the relocation.

(8) Rental differential payments covering situations where relocated employees retain ownership of a vacated home in the old location and rent at the new location. The rented quarters at the new location must be comparable to those vacated, and the allowable differential payment may not exceed the actual rental costs for the new home, less the fair market rent for the vacated home times 3 years.

(9) Cost of canceling an unexpired lease.

(b) The cost described in paragraph (a) of this section must also meet the following criteria to be considered allowable.

(1) The move is for the benefit of the Government.

(2) Reimbursement must be in accordance with an established policy or practice and program that is consistently followed and is designed to motivate employees to relocate promptly and economically.

(3) Amounts to be reimbursed do not exceed the employee's actual expenses, except that for miscellaneous costs of the type discussed in (a)(4), a flat amount, not to exceed $1,000, may be paid in lieu of actual costs.

(c) The following types of costs are not allowable:

(1) Loss on sale of a home.

(2) Continuing mortgage principal payments on residence being sold.

(3) Cost incident to the acquisition of a home in a new location as follows:

(i) real estate brokers fee and commissions;

(ii) costs of litigation;

(iii) real and personal property insurance against damage or loss of property;

(iv) mortgage life insurance;

(v) owner's title policy insurance when such insurance was not previously carried by the employee on the old residence (however, costs of a mortgage title policy is allowable) and;

(vi) property taxes and operating or maintenance costs.

(4) Payments for employee's income taxes or FICA (social security taxes) incident to reimbursed relocation costs.

(5) Costs incident to furnishing equity or nonequity loans to employees or making arrangements with lenders for employees to obtain lower-than-market rate mortgage loans.

(d) If relocation costs for an employee have been allowed and the employee resigns within 12 months for reasons within the employee's control, it is expected the contractor shall refund or credit the relocation costs to the Government.

(e) Contractor payments to independent relocation assistance firm handling acquisitions and sales of houses of transferred employees are allowable in amounts which otherwise represent payment for itemized costs when are allowable in accordance with the provisions of this section.

Change 7.9

Section 9-51.101(a) (1) and (2) are removed as they involve organizations, Resource Applications and Energy Technology, which no longer exist. Therefore, Section 9-51.101 is amended by removing and reserving paragraphs (a) (1) and (2) as follows:

§ 9-51.101 General instructions regarding submissions to Headquarters.

(a) * * *

(1) [Reserved]

(2) [Reserved]

* * * * *

[FR Doc. 83-9901 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

federal register

Friday
April 15, 1983

Part V

Department of Health and Human Services

National Insititutes of Health

Recombinant DNA Research; Action Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Action Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of action under NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth an action taken by the Director, NIAID, under the August 1982 NIH Guidelines for Research Involving Recombinant DNA Molecules (47 FR 38048).

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Jr., Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205; (301) 496-6051.

SUPPLEMENTARY INFORMATION: Today a major action is being promulgated under the NIH Guidelines for Research Involving Recombinant DNA Molecules. The proposed action wa published for comment in the **Federal Register** of September 22, 1982, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on October 25, 1982. Final action on the proposal was deferred pending a review by the USDA Recombinant DNA Committee (48 FR 1156). In accordance with section IV-C-1b of the NIH Guidelines, this action has been found to comply with the Guidelines and to present no significant risk to health or the environment.

I. Approval to Field-Test Transformed Tomato and Tobacco Plants

In a letter dated June 9, 1982, Dr. John Sanford of Cornell University requested permission to field-test tomato and tobacco plants tranformed with bacterial (*E. coli* K-12) and yeast DNA using pollen as a vector. Plants would then be screened in the field to detect transformation events. Dr. Sanford argued that P1 Containment is impractical when the screening of thousands of whole seedlings become necessary.

The proposal was summarized in the September 22, 1982, **Federal Register** (47 FR 41925). During the comment period, no comments were received.

The RAC reviewed the request at its meeting on October 25, 1982. Although the RAC recommended approval of this proposal by a vote of ten in favor, one opposed, and three abstentions, final action on the recommendation was deferred pending a review of the proposal by the USDA Recombinant DNA Committee (48 FR 1156).

The USDA Recombinant DNA Committee met on February 23, 1983, and discussed the proposal. The USDA Committee unanimously approved the proposal and could foresee no potential hazard to humans or the environment as a result of having these experiments tested in the fields of the New York State Agricultural Experiment Station at Geneva, New York. The Committee said that it recognizes the need to field test plants, produced by whatever method, in order to assess the value of the putative "engineered plant."

I accept the recommendations of the RAC and the USDA Recombinant DNA Committee, and Appendix D of the Guidelines is amended to reflect this decision.

II. Summary of Action

The following new section is added to Appendix D of the Guidelines:

"Appendix D-IX. Permission is granted to Dr. John Sanford of Cornell University to field test tomato and tobacco plants transformed with bacterial (*E. coli* K-12) and yeast DNA using pollen as a vector."

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: April 4, 1983.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Disease, National Institutes of Health.

[FR Doc. 83-9980 Filed 4-14-83; 8:45 am]

BILLING CODE 4140-01-M

federal register

Friday
April 15, 1983

Part VI

Department of Education

Office of Postsecondary Education

Publication of Approved Systems of Need Analysis for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

Part VI

Department of Education

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Publication of Approved Systems of Need Analysis for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of approved systems of need analysis for academic year 1983–1984.

SUMMARY: The Secretary of Education annouces approved need analysis systems that institutions of higher education must use in calculating a student's financial need during academic year 1983–1984 under the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs. These programs are know collectively as the campus-based programs.

FOR FURTHER INFORMATION CONTACT: Margaret O. Henry or Paula Husselmann, Division of Policy and Program Development, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue, SW., (Room 4018, ROB–3) Washington, D.C. 20202, Telephone (202) 245–9720.

SUPPLEMENTARY INFORMATION: The campus-based programs are "need based" student financial aid programs. Under each program, an institution must determine whether a student has financial need. It determines need by subtracting from the student's educational costs, his or her expected family contribution, i.e., the amount the student and his or her parents may reasonably be expected to contribute toward his or her educational costs. Institutions determine a student's expected family contribution by using a need analysis system.

Prior to the 1982–1983 academic year, institutions participating in the campus-based programs were permitted to use any one of several need analysis systems approved by the Secretary for that purpose. The Secretary approved a need analysis system for the campus-based programs if it produced an expected family contribution that: (1) Increased incrementally as parents' financial strength, measured in constant dollars, increased and (2) was equal for families of equal financial strength. In addition, such a system had to produce expected family contribution amounts that came within $50 of the expected family contribution amounts determined by the Secretary in published sample benchmark cases, in at least 75 percent of those cases.

The Secretary was also directed by statute to publish a separate schedule of expected family contributions for the Pell Grant program only.

The Education Amendments of 1980, Public Law 96–374, amended the Higher Education Act by requiring that the Secretary develop and publish a single schedule of expected family contributions for the Pell Grant and campus-based programs. However, the Third Continuing Resolution for Fiscal Year 1982, Public Law 97–92, directed that, for the 1982–1983 academic year, there not be a single schedule of family contributions for the Pell Grant and campus-based programs. The law directed the Secretary to approve separate need analysis systems developed by private organizations and agencies to be used by institutions under the campus-based programs.

For the 1983–1984 and 1984–1985 academis years, the Congress in the Student Financial Assistance Technical Amendments Act of 1982, Public Law 97–301, has again legislatively overriden the requirement enacted in the Education Amendments of 1980 that the Secretary establish one schedule of expected family contributions for the Pell Grant and campus-based programs. Section 4 of that Act provides that the Secretary "shall establish or approve separate systems of need analysis for academic year 1983–1984 and for academic year 1984–1985 for the * * * [campus-based programs.]" Accordingly, the Secretary is approving separate systems of need analysis under the authority of Section 4 of the Student Financial Assistance Technical Amendments Act of 1982 and the following program regulations, 34 CFR 674.13, 175.13, and 676.13 for the NDSL, CWS, and SEOG programs, respectively.

The systems listed below qualified as approved systems of need analysis under the sample cases published in the **Federal Register** of January 25, 1983 (48 FR 3401–3402), or are systems that are specifically approved under the above cited regulations for each program. Therefore, an institution, in academic year 1983–1984, must use any one of the following systems of need analysis to determine a student's expected family contribution under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs:

1. Academic Computing Systems, Incorporated, Dallas, Texas
2. Advanced Process Laboratories, Omaha, Nebraska
3. The American College Testing Program, Iowa City, Iowa
4. The College Scholarship Service, The College Board, New York, New York
5. Compugrant, Incorporated, Hiram, Ohio
6. Financial Analysis Service, Hiram, Ohio
7. Functional Solutions, Incorporated, Utica, New York
8. G. E. White Needs Analysis System, Lake Forest, Illinois
9. The Graduate and Professional School Financial Aid Service, Princeton, New Jersey
10. M-Data, Incorporated, Cedar Springs, Michigan
11. Pennsylvania Higher Education Assistance Agency, Harrisburg, Pennsylvania
12. SAFE System—Information and Communications, Incorporated, Burbank, California
13. Student Aid Management (SAM–II) System—Sigma Systems, Incorporated, Los Angeles, California
14. T.E.K. Computer Systems, Wurtsboro, New York
15. Family Contribution (FC) printed on the Student Aid Report, United States Department of Education
16. The method of calculating student aid indices used in the Pell Grant Program (34 CFR 690), United States Department of Education
17. The Income Tax System (dependent students only), United States Department of Education

Dated: April 13, 1983.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-10186 Filed 4-14-83; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 8, 1983

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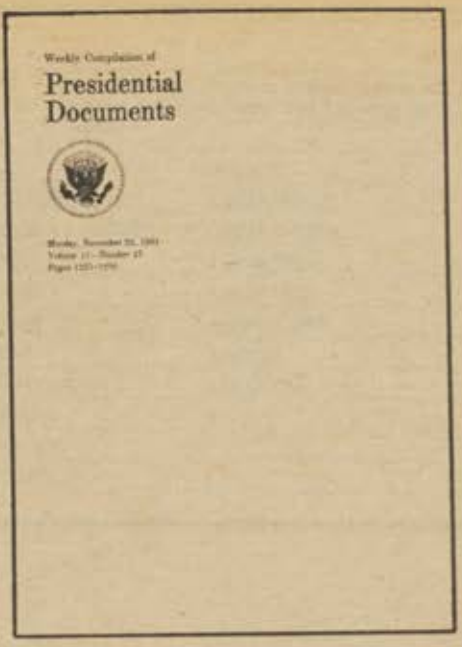

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